

2582  
No. 12251

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United States  
Court of Appeals  
For the Ninth Circuit.

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TOM CLARK, as Attorney General of the United  
States, et al.,

Appellants,

vs.

TADAYASU ABO, et al.,

Appellees.

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Transcript of Record

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Appeal from the United States District Court  
for the Northern District of California,  
Southern Division

FILED

DEC 22 1949

PAUL P. O'BRIEN,  
CLERK.



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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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In the Southern Division of the United States  
District Court, for the Northern District of  
California

25294S

TADAYASU ABO, et al.,—adults, individually,  
and as constituting a class, and as representa-  
tives of a class,

and

GENSHYO AMBO, et al.,—minors, individually,  
and constituting a class, and as representatives  
of a class, by HARRY UCHIDA as the next  
of friend and as guardian ad litem of them and  
each of them,

Plaintiffs,

vs.

TOM CLARK, as Attorney General of the United  
States; FRANK J. HENNESSY, as United  
States Attorney for the Northern District of  
California, and, as such, the head of the United  
States Department of Justice in said District;  
JAMES F. BYRNES, as the Secretary of  
State; FRED VINSON, as the Secretary of  
the Treasury; UGO CARUSI, as the Commis-  
sioner of the United States Immigration and  
Naturalization Service; IRVING M. WIXON,  
as the District Director of the United States  
Immigration and Naturalization Service,  
United States Department of Justice, and, as  
such, the head of the United States Immigra-  
tion and Naturalization Service for the

Northern District of California; JAMES E. MARKHAM, as the Alien Property Custodian; HAROLD ICKES, as Secretary of the Interior; DILLON S. MYER, as Director, War Relocation Authority; RAYMOND R. BEST, as Project Director, Tule Lake Center; and IVAN WILLIAMS, as the Officer in Charge, United States Department of Justice, Immigration and Naturalization Service, Tule Lake Center, Newell, Modoc County, California,  
Defendants.

COMPLAINT TO RESCIND RENUNCIATIONS  
OF NATIONALITY, TO DECLARE NA-  
TIONALITY, FOR DECLARATORY JUDG-  
MENT AND FOR INJUNCTION

Comes each of the plaintiffs above named complaining of the defendants above named and for cause of action alleges:

I.

This suit arises under the laws and the constitution of the United States and particularly under the provisions of the 14th Amendment of the Constitution and the provisions of Title 8 USCA, sec. 601(a), and Title 8 USCA, sec. 903, and Title 28 USCA, sec. 400, and this court has original jurisdiction to entertain the suit by virtue of the provisions of Title 28 USCA, sec. 41(1), Title 8 USCA, sec. 903, and Title 28 USCA, sec. 400. The matter in controversy exceeds, exclusive of interests and costs, the sum of Three Thousand Dollars as to each plaintiff.

## II.

That defendant Tom Clark is and at all times herein mentioned was the duly appointed, acting and qualified Attorney General of the United States; that defendant Frank J. Hennessy is and at all times herein mentioned was the duly appointed, acting and qualified United States Attorney of the Northern District of California, and as such is the head of the U. S. Department of Justice in said district; that defendant James F. Byrnes is and at all times herein mentioned was the duly appointed, acting and qualified Secretary of State; that defendant Fred Vinson is and at all times herein mentioned was the duly appointed, acting and qualified Secretary of Treasury; that defendant Ugo Carusi is and at all times herein mentioned was the duly appointed, acting and qualified Commissioner of the United States Immigration and Naturalization Service; that defendant Irving M. Wixon is and at all times herein mentioned was the duly appointed, acting and qualified District Director of and head of the United States Immigration and Naturalization Service, U. S. Department of Justice, for the Northern District of California; that at all of said times and now the following defendants were and are as follows: James E. Markham, the Alien Property Custodian; Harold Ickes, the Secretary of the Interior; Dillon S. Myer, the Director, War Relocation Authority; Raymond R. Best, the Project Director, Tule Lake Center; and the defendant Ivan Williams, the duly appointed, acting and qualified Officer in Charge, United States

Department of Justice, Immigration and Naturalization Service, Tule Lake Center, Newell, Modoc County, California.

### III.

Each plaintiff is a person having Japanese ancestry, and at all times herein mentioned has been domiciled in and a resident of the United States, a native-born American, a citizen and national of the United States and subject to the jurisdiction thereof, as provided by the 14th Amendment of the Constitution, the provisions of Title 8 U. S. Code, sec. 601(a), and as defined in Title 8 U. S. Code, sec. 501(a) and 501(b); none of the plaintiffs at any time whatever has been and none is an alien enemy and none at any time has been an alien; none at any time has been and none is a native, citizen, denizen or subject of Japan or of any hostile nation, government or country; none has at any time been and none is a danger to the public peace or safety and none has at any time been accorded a judicial hearing upon any charge or accusation that he or she was or is such a danger and, on the contrary the Department of Justice, in 1945, made a finding and declaration that each plaintiff was not hostile to and was not a danger to the public peace or safety; each plaintiff at all times herein mentioned and ever since his or her said birth in this country has been and now is loyal and devoted to the United States; and, by virtue of the circumstances hereinafter set forth, each is a resident within the jurisdiction of this Court.

## IV.

That plaintiffs jointly and severally bring and maintain this proceeding under the procedure and practice conforming to the practice in actions at law or suits in equity and pursuant to the provisions of Rules 1, 20, 23(1), 23(2), 23(3), 18(a), 18(b), 19(a) and 19(b) of the Rules of Civil Procedure for the District Courts of the United States, uniting and joining in this single petition for the following reasons and purpose, among others, to-wit: (1) For the convenience and interest of the plaintiffs and defendants; (2) to promote the orderly, convenient and efficient administration of justice; (3) to avoid and prevent a multiplicity of suits; (4) because plaintiffs jointly and severally assert rights to release and discharge from the unlawful internment and detention in which they are held and because their rights thereto arise out of the same series of occurrences; (5) because there are several points of litigation and questions of law and of fact arising in said proceeding that are common to each and all of them; (6) because said proceeding is also a class action and the character of the rights sought to be enforced for the persons and class of persons on whose behalf the same is brought and those who hereafter may be joined as plaintiffs herein is joint, common, and several; and (7) because there are common questions of fact and of law affecting the several rights involved and a common relief is sought by each plaintiff against defendants.

The questions and issues of fact involved herein



which are common to each and all of plaintiffs are: (1) Whether the plaintiffs are native-born American citizens and nationals of the United States or stateless persons or alien enemies, it being apparent that if plaintiffs are not alien enemies their internment was and is unlawful and they are entitled to immediate release therefrom, such internment and detention lawfully being applicable only to alien enemies during the actual period of time in which the United States is engaged in the prosecution of war and then only provided the internment and detention of specified alien enemies is commanded by the President of the United States and his authority so to do is invoked under and arises from the Alien Enemy Act; and (2) whether the renunciations of nationality signed by plaintiffs are void and invalid as having been signed under duress, menace, fraud and undue influence, as hereinafter alleged, and as having been rescinded, the political status of the plaintiffs depending upon a determination of the legality or illegality thereof;

Among the questions of law involved herein, which are common to each and all of the plaintiffs herein, are the following, to-wit: (1) The constitutionality and validity of Title 8 USCA sec. 801(i), and the nationality regulations adopted pursuant thereto, on their face and as construed and applied to plaintiffs who contend the same are unconstitutional and void for being repugnant to the provisions of the 4th, 5th, 6th, 8th, 9th, 10th, 13th and 14th Amendments of the Constitution and to the

following provisions of the Constitution, viz., Article I, sec. 1; sec. 8 subd. 4; sec. 9, subd. 3; Article III, sec. 1, and sec. 3 subds. 1 and 2; and Article IV, sec. 2 subd. 1; and (2) whether the Alien Enemy Act, Title 50 USCA, secs. 21 and 22, which defendants assert was invoked against plaintiffs and under which defendants assert plaintiffs were and are interned as alien enemies, was lawfully invoked against them and was and is lawfully applied to them, and the constitutionality and validity of said Alien Enemy Act on its face and also as construed and applied to the plaintiffs who contend the said Act was unlawfully invoked against them and was and is unlawfully applied to them and also that it is unconstitutional and void on its face and as construed and applied to them for being repugnant to each of the aforementioned amendments and provisions of the Constitution.

#### V.

Each plaintiff, contrary to his or her will and desire, is unlawfully interned, detained for the purpose of an involuntary removal or deportation to Japan and restrained of his or her liberty by the Officer in Charge, United States Department of Justice, Immigration and Naturalization Service, at the Tule Lake Center, situated within the jurisdiction of this Court, at Newell, Modoc County, California, said Officer in Charge acting under the order or orders of the Attorney General of the United States and presently being one, Ivan Williams, defendant herein; and the said Attorney General and

said Officer in Charge, acting under his order or orders, has announced and given notice of intention summarily to remove and deport each plaintiff involuntarily to Japan;

The United States Department of Justice has publicly announced the early closing of the said Tule Lake Center where persons of Japanese descent and the plaintiffs, as such, heretofore, have been and now are detained by the Government, and has ordered each plaintiff and all other persons of like ancestry, there interned, who have signed applications for renunciation of U. S. nationality, upon a mere notice of approval thereof being given by an Assistant Attorney General of the Department of Justice, detained and restrained of his or her liberty for deportation purposes and has publicly announced that commencing on and after November 15, 1945, each plaintiff and all persons who have signed such renunciation applications will be forcibly removed and deported to Japan, and that plaintiffs and all such persons so scheduled for such removal and deportation to Japan will be so deported without any notice being given and without any hearings being accorded any of them thereon;

Said Officer in Charge at the Tule Lake Center, the defendant Ivan Williams, acting under the orders of the Attorney General of the United States, under a claim of color of authority of the Alien Enemy Act, Title 50 USCA, sec. 21, asserts each of said plaintiffs is an alien enemy and that as such

each has been and is interned and restrained of his or her liberty and is held and scheduled for such an involuntary removal or deportation thereunder to Japan, albeit that such assertion that plaintiffs are alien enemies or that any of them is an alien enemy is a false and fictitious assertion, claim and assumption wholly unsupported by fact and by law and is a gross mistake and error of fact and of law.

## VI.

Each plaintiff for a long period of time has been and now is interned and detained at said Tule Lake Center and now is under an order of removal or deportation to Japan, as each is informed and believes and therefore alleges, by reason of a claim that each, by a renunciation of United States nationality, thereby became an alien enemy and subject to such internment, detention and removal or deportation under the provisions of the Alien Enemy Act, Title 50 USCA, sec. 21, the facts out of which such claim arises being as follows:

Each plaintiff has had, in his or her ancestral line, an unknown number of ancestors who, at some remote time in the past, were born in a geographical area over which a Japanese sovereign ruled and over whom such sovereign claimed, asserted and enforced through the then instrumentalities of police power, a temporal jurisdiction. Solely because of said type of ancestry each plaintiff, pursuant to proclamations, commands and orders of General John L. DeWitt, then Commander of the Western

Defense Command and Fourth Army, during the year 1942, first was imprisoned in the immediate vicinity of his or her then home, situated within the geographical area embraced by the Western Defense Command, then driven into and imprisoned in stockades called Assembly Centers, thereafter transported to concentration camps called War Relocation Centers and there confined for approximately three years, and thereafter imprisoned in the Tule Lake Center, Newell, Modoc County, California, said imprisonment having been continuous from 1942 to date, all without a charge of crime or accusation of crime having been lodged against any of them, and without any hearing having been given them on the reasons for such treatment and in spite of the fact that the Attorney General of the United States in 1945 caused each to be notified that he or she had been found to be a person not dangerous to the security of the United States;

That during the entire period of his or her unlawful imprisonment, commencing in 1942, and continuing ever since, as aforesaid, each plaintiff has been and still is deprived of substantially all his or her rights, liberties, privileges and immunities guaranteed by the Constitution to him or her as a native-born citizen and national of the United States and subject to the jurisdiction thereof, as also those guaranteed to him or her as a person thereunder, said deprivations having been committed by governmental authorities under a claim of color of authority of the United States;

During the preceding period of 1945, at said Tule Lake Center, each plaintiff signed an application for renunciation of United States nationality, as provided for by Title 8, USCA, sec. 801(i), and the Rules and Regulations adopted by the Department of Justice under the Nationality Act of 1940, as amended, said Rules being more particularly designated as Sections 316.1 to 316.9, inclusive, of Chapter I, sub-chapter D, part D, of Nationality Regulations; that none of said applications has been approved by the Attorney General of the United States, nor has he ever issued an order approving any of them, as is required by Title 8 USCA, sec. 801(i) and Rule 316.7 of the Nationality Regulations, before such becomes effective; that each plaintiff has received a letter from a representative of the Department of Justice stating that his or her renunciation has been approved by the Attorney General as not contrary to the interests of the national defense, and informing each that he or she no longer is a citizen of the United States and is not entitled to any of the rights and privileges of such citizenship;

The signing of said applications for renunciation was neither under oath nor real nor free nor voluntary on the part of any of said plaintiffs but was caused by and was the result of duress, menace, fraud, undue influence, mistakes of fact and of law and was the product of the fear, coercion and intimidation under which each then and there was held and subjected to and under which he or she labored, all as hereinafter set forth;

In signing said renunciation applications, none of the plaintiffs was informed, knew, intended or expected, by reason thereof to be interned, detained and restrained of his or her liberty as an "alien enemy" or otherwise, and none was informed, knew, intended, or expected that he or she would be involuntarily removed or deported to Japan by reason thereof and, on the contrary, was led to believe by the Government, its agents, servants and employees, that the signing thereof was not final, but tentative, and subject to being rescinded and revoked.

## VII.

The internment and detention of each plaintiff and the restraint upon the liberty of each, as aforesaid, and the threatened, imminent and impending involuntary removal and deportation of each to Japan, as aforesaid, are, and each of said things, is, in violation of the Constitution and laws of the United States, as heretofore stated, and deprives each of the due process of law guaranteed by the 5th Amendment of the Constitution, in the following particulars, to-wit:

A: The unconstitutionality and illegality of the internment and detention of each plaintiff and the restraint upon his or her liberty;

(1) That none of the applications for renunciation of nationality signed by plaintiffs has at any time whatsoever been approved by the Attorney General of the United States nor has an approval nor an order approving any of the said applications at any time been made by him nor has he at

any time passed upon or considered any of them as required by the provisions of Title 8 USCA, sec. 801(i), and by the provisions of secs. 316.1 to 316.9, inclusive, of Part 316, sub-chapter D, Chapter I of Nationality Regulations, before a renunciation therein provided for becomes effective;

(2) That at the time each plaintiff signed said renunciation application the United States was engaged in the prosecution of a war and, by reason thereof, any approval of a renunciation of nationality by any of the plaintiffs necessarily would have been contrary to the interests of national defense and to the sovereignty of the United States and violative of the provisions of Article III, section 3, subdiv. 1 of the Constitution;

(3) That the hearing accorded each plaintiff upon his or her application for renunciation was nothing but a perfunctory pseudo-hearing or command appearance before a hearing officer designated by the then Attorney General of the United States and was wanting in each and all of the elements of a fair and impartial hearing, and in the incidents thereof, in that each plaintiff was deprived of the benefits of independent advice and counsel and of the assistance of counsel in and about said hearing, was denied the right to be confronted by any evidence and to examine witnesses against him or her or to produce witnesses in his or her behalf, albeit none of the plaintiffs waived his or her rights thereto; that at each such pseudo-hearing, the hearing officer's recommendation on each application



was based, either in whole or in part, upon secret information and data available to and used by the hearing officer but which was withheld, concealed and kept secret from each plaintiff, as provided by the provisions of Section 316.6 of the Nationality Regulations of the Department of Justice, and any approval thereof, had any approval or order approving any of said renunciations been issued or made by the Attorney General of the United States, necessarily would have been based wholly or partially thereon;

(4) The provisions of Title 8 USCA, sec. 801(i), are unconstitutional and void for uncertainty and also for containing an improper delegation of legislative and judicial powers to the Attorney General of the United States, in violation of the provisions of Article I, sec. 1, and Article III, sec. 1, of the Constitution.

B: The Unconstitutionality and Illegality of the Removal and Deportation of Each of Plaintiffs:

(1) None of the plaintiffs is an alien enemy within the intent, meaning and purview of the provisions of Title 50 USCA, sec. 21, as aforesaid;

(2) No warrant for the deportation of any of the plaintiffs has at any time issued from the President of the United States or from any court, judge or justice, as is a prerequisite to involuntary removal or deportation under Title 50 USCA, sec. 24;

(3) No complaint at any time whatever has been filed against any of the plaintiffs, as required by

Title 50 USCA, sec. 23, nor has any of the plaintiffs ever had a judicial hearing on such removal or deportation, in any court of competent jurisdiction, nor has any such court at any time issued any order of removal or deportation against any of the plaintiffs, all of which are jurisdictional prerequisites to removal or deportation in involuntary removal or deportation proceedings under the said Alien Enemy Act;

(4) That none of the plaintiffs has been allowed a reasonable period of time consistent with the public safety and according to the dictates of humanity and national hospitality within which to recover, dispose of and remove his or her goods and effects and prepare for his or her departure, all as required by Title 50 USCA, sec. 22, in involuntary removal or deportation proceedings under the said Alien Enemy Act;

(5) None of the plaintiffs has been accorded and none will be accorded any hearing with respect to his or her said involuntary removal and deportation to Japan but summarily will be removed and deported, as aforesaid, and in such summary removal and deportation en masse without any hearing having been given or intended to be given to plaintiffs and each of them thereon prior thereto the defendants and the United States Department of Justice have grossly discriminated against and do still continue to discriminate against them and each of them in that defendants and said Department of Justice heretofore have followed the practice and policy and now do follow the practice and policy of grant-

ing individual prior hearings in similar removal and deportation proceedings to all persons of German and Italian nationality whom the defendants and said Department of Justice have sought to remove and deport and are seeking to remove and deport under the provisions of the Alien Enemy Act; and said discriminatory treatment meted to plaintiffs and each of them denies them and each of them the equal protection of the laws and deprives them and each of them of the due process of law guaranteed them and each of them by the 5th Amendment of the Constitution;

(6) That neither a declared nor an undeclared war now exists between the United States and any foreign nation or government; that no invasion or predatory incursion is being perpetrated, attempted or threatened against the territory of the United States by any foreign nation or government; that the United States is now at peace with the world;

#### VIII.

That the defendants, and each of them, at all times herein mentioned have treated and have threatened to treat and still treat and threaten to treat and will continue to treat the plaintiffs, and each of them, as alien enemies; that defendants and each of them have threatened and still threaten to remove and deport plaintiffs and each of them involuntarily and against their consent and desire from the United States to Japan and they and each of them will so do unless restrained and enjoined from so doing by order of this Court; and plaintiffs

and each of them are informed and believe and therefore allege that the defendants and each of them threaten to and, unless restrained and enjoined from so doing by this Court, will remove plaintiffs and each of them from the jurisdiction of this court into parts of the United States unknown to them in preparation for said deportations to Japan; and plaintiffs are informed and believe and therefore allege that unless restrained and enjoined by order of this court, the defendants will commence their deportations of plaintiffs on or about November 15, 1945.

Wherefore, plaintiffs pray for a temporary restraining order, for an injunction pending suit and for judgment.

As and for a Second and Separate Cause of Action, Plaintiffs Allege:

I.

Plaintiffs incorporate herein paragraphs I to VI, inclusive, and paragraphs VII B (5) and VIII of their first Cause of Action, as if fully set forth in this cause of action.

II.

(1) The signing of the renunciation applications by each plaintiff was neither under oath nor real nor free nor voluntary, but was caused by and was the result of duress, menace, fraud, undue influence, mistakes of fact and of law and was the product of fear, coercion and intimidation under which each then and there was held and subjected to by the

government and by group and gangs, and by individuals, as hereinafter set forth:

(a) Commencing with their unwarranted and unjustified evacuation from their homes in 1942, as aforesaid, and continuously since then to date, the United States government, acting by and through its agents, servants and employees, and as the jailor, custodian and guardian of plaintiffs, its wards, has discriminated and still discriminates against the plaintiffs and each of them simply because of their descent from persons of Japanese origin, and, ever since their unlawful imprisonment in the vicinity of their homes immediately preceding their said evacuation and continuously thereafter during their imprisonment in concentration camps and during their internment in the Tule Lake Center, has unlawfully confined them and members of their families and subjected them and members of their families there confined to governmental duress, menace, fraud and undue influence and harassment and held and still holds them in a continual mental state of fear and terror simply because of their Japanese ancestry; the United States government, pursuant to its said policy and program of discrimination and in furtherance thereof, steadily and systematically has subjected them to a course of abusive treatment during said period of time; pursuant to said policy and program it has, by said continuous imprisonment without according them or any of them a hearing on the reasons therefor, regarded, classed and treated them as though

they were alien enemies; all the males among them of draft age, including the many who have served faithfully in our armed forces and hold honorable discharges therefrom, the many others who were transferred to and now are in the enlisted reserve and subject to being called for active duty and the many who repeatedly have volunteered to enlist in the Army but were refused and denied the right to serve and to fight for and defend this country by prejudiced and hostile draft boards and by draft boards denying them such rights upon governmental orders and who are still denied this birthright, were classified "4-C" under the Selective Training and Service Act of 1940, that is, as "alien enemies," by draft boards acting upon governmental orders, without good cause and without justification and in violation of their rights as American citizens, simply because they were of Japanese descent; by reason whereof, plaintiffs and all of said persons of like descent likewise confined to said Center were led to believe and feared and had good cause to believe and fear that the Government of the United States viewed them as alien enemies and desired and intended to deprive them of the right to remain in and to fight for this country and to imprison them for an indefinite period of time and thereafter to remove and banish them and their families and all like descended persons from the United States; that the government, after having encompassed their ruin by the aforesaid evacuation and their subsequent continuous confinement, led plaintiffs to

believe that the alien Japanese members of their families were scheduled and held for removal and deportation to Japan and that the citizen members of said families would be detained in this country and thereby caused alien parents, who feared the splitting of their families, to coerce their citizen children into signing renunciation applications, and led plaintiffs to believe that the signing of said applications was a matter commanded by the Government, compliance with which was a prerequisite to their right and that of their families to remain in the protective security of said Center and to prevent a disuniting of their families and to save themselves and their families from physical harm and violence were they to be released and sent back into civil life in communities where hostility to persons of Japanese ancestry reigned and where they feared they would suffer great physical harm and probable loss of life from lawless elements; and the government very recently has initiated the practice of permitting aliens to leave said Center and return to their former homes while it holds their children who have signed said renunciation applications for involuntary removal and deportation to Japan and now also compels those who have been released from confinement and those who were lucky enough to have escaped it altogether, including those of our soldiers of Japanese ancestry returning from the battlefields of Europe and the Pacific who have parents, wives, sisters, brothers or children interned in said Center and scheduled for deportation to Japan, to the choice of an involun-

tary banishment from the United States to accompany them to preserve family unity or to remain here separated from them; that the signing of said applications and the pseudo-hearing held thereon was a trap designed by the Government of the United States to cause and result in the involuntary deportation of each signer to Japan and of the involuntary removal of members of his or her family to Japan and thus to result in a mass banishment of persons of Japanese descent from the United States, which design and purpose, at all times heretofore was withheld, concealed and kept secret from the signers and plaintiffs; and, by reason of said governmental duress, menace, fraud, and undue influence, and the threats, coercion and intimidation practiced upon each plaintiff and members of his or her family each plaintiff was compelled by the government to sign a fictitious renunciation of a citizenship of which each already, in fact, had been deprived by the Government of the United States;

(b) That neither at the time each plaintiff signed an application for renunciation at the pseudo-hearing held thereon at said Center nor at any time prior thereto during his or her unlawful confinement, was he or she a free agent in any sense of the words but then and there was unlawfully confined and restrained of his or her liberty and was held in duress by the United States government, its agents, servants and employees, as the jailor, custodian and guardian of plaintiffs, its wards, and by it and its agents, servants, and em-



ployees, knowingly was permitted to be exposed and subjected to the duress, menace, fraud and undue influence practiced upon and against each plaintiff by organized terroristic groups and gangs of persons, likewise there confined, who were fanatically pro-Japanese and committed to forsaking this country and who were engaged in and allowed to engage in a continuous campaign to engender, develop and promote loyalty to Japan among the internees;

That said groups and gangs there were engaged in and were permitted to engage in a generalized campaign of lawlessness prior to the time said renunciation hearings were held and at the time of said hearings had established and then and thereafter maintained a veritable rule and reign of terror over plaintiffs, their families and internees residing in said Center; they preached and practiced sedition; they endeavored, by all means at their command, to proselyte to the cause of the enemy the plaintiffs, their families and other loyal internees there residing; they actively engaged in the engendering, development and promotion of loyalty to the cause of Japan which they openly and notoriously espoused; they informed plaintiffs that plaintiffs and their families were regarded by the United States government as alien enemies and that it had scheduled them and their families for deportation to Japan; they informed plaintiffs and internees at said Center that innumerable acts of physical violence had occurred to persons who had

been relocated in civil life and that their lives would be in jeopardy, because of community hostility, if any succeeded in being returned to civil life in this country; they threatened the plaintiffs and internees that if any of them talked to, communicated with or associated with any of the Caucasians in and about said Center those so doing would be assaulted by goon-squads, gangsters and hoodlums sponsored and commanded by them; they sent in spurious letters to the Department of Justice requesting applications be forwarded to internees whose names they signed to such letters and then informed the receivers that the government demanded that each receiver sign it; they maintained and operated schools in said Center to coach the victims of their fraud, menace, deceit and undue influence into giving false and untrue answers to questions the hearing officers were to propound to them at the hearings on renunciation applications; they informed plaintiffs, as did governmental announcements publicly made just prior to the time said hearings were held in 1945, that the deportation of each plaintiff and that of alien members of his or her family, on an exchange ship, was imminent and pending, and said groups and gangs informed and threatened each plaintiff that he or she would be deported in any event and that if he or she failed to sign an application for renunciation the security of each and that of their families upon arrival in Japan would be endangered because the pro-Japanese leaders of said nationalistic pressure groups and gangs would report them to the Japa-

nese government as being dangerous alien enemies to Japan and as American spies and that they would there be seized and punished as such; they maintained an elaborate system of black-listing and espionage over the internees in said Center; that said groups and gangs threatened, coerced and intimidated plaintiffs into signing said renunciation applications by means of threats, displays, shows, exhibitions and demonstrations of force and violence and by threats against their lives and by threats of inflicting great physical injury upon them and upon members of their families in the event he or she failed to obey their mandates and to sign such renunciation applications and thereby compelled each of them to sign such renunciation application; that each plaintiff believed in and feared and had good cause and reason to fear that said threats would be carried into execution and that he or she and his or her family would be exposed to physical violence and probably loss of life if he or she failed to heed said threats and failed to obey the mandates of said pressure groups and gangs and thereby was compelled to sign such renunciation application; that by reason of said rule of terror prevailing over said Center which, together with the failure of the government to take steps to prevent, halt and put a stop thereto and to accord them protection against the same, and by reason of the duress practiced by the Government against them, as aforesaid, the plaintiffs and other internees in said Center were kept in a constant state of fear, fright, mass hysteria and terror and, by reason

thereof, and because of the absence of protection against the terroristic activities of said groups and gangs being afforded by the government which was their due many loyal and innocent internees were driven into becoming nominal but inactive members of such groups simply to save themselves and their families from danger, physical violence and probable loss of life from such sources, and plaintiffs were compelled involuntarily to sign said renunciation applications by reason thereof;

That at all times during said rule and reign of terror imposed upon the internees in said Center the United States government, and its agents, servants and employees, were aware of and knew of the purposes and activities of said groups and gangs and of the duress, menace, fraud and undue influence said groups and gangs practiced upon and against plaintiffs, members of their families and other internees in said Center, but condoned the same and was responsible for, and actually aided and abetted the same by permitting such activities and by failing to prevent and to stop the same and by failing to arrest and prosecute the leaders and active members thereof and to put a stop to their criminal activities and lawlessness and by failing to invoke the federal sedition and espionage laws or other criminal laws against them and by failing to segregate such criminal elements from the plaintiffs and other loyal internees and to isolate them;

By reason of the duress, menace, fraud and undue influence practiced and exerted upon and against each plaintiff by the government and by

the groups and gangs, as aforesaid, and the failure of the government to accord them the protection against the aforesaid lawless acts of said groups and gangs, the plaintiffs were caught in the grip of terror which ruled throughout said Center and the wave of terror that engulfed them when they and members of their families were confronted with a possible return to face hostility in the communities from which they had been excluded and driven by the 1942 imprisonment program which was termed an evacuation and was initiated by civilian exclusion orders issued by General John L. DeWitt, as aforesaid;

That none of said renunciations was real, free or voluntary on the part of any of plaintiffs, but each was the product of fear, torment and terror induced in each plaintiff's mind by virtue of the duress, menace, fraud and undue influence to which each was subjected by the government and by the groups, gangs and individuals, as aforesaid, all of which operated to deprive and did deprive each plaintiff of freedom of choice, will and desire in and about the signing of such applications for renunciation and each of said renunciations was and is false, fictitious, null and void by reason thereof;

(2) Prior to the time of the filing of this complaint each plaintiff, twice in writing, notified the Attorney General of the United States, his agents and representatives, and the defendants, of the circumstances under which he or she signed such renunciation application, and that he or she with-

drew, retracted, rescinded, revoked, cancelled and annulled his or her said application for renunciation of United States nationality for the reasons that the same was signed under duress, menace, fraud, undue influence and mistakes of fact and of law, as aforesaid, and informed him and them of the grounds and reasons on which said rescission and revocation was based and made but said Attorney General failed and still does fail to accept said rescission and revocation; that in each of said written notifications sent to the Attorney General of the United States each of said plaintiffs demanded of him and them and of defendant, Ivan Williams, as the aforesaid Officer in Charge at said Tule Lake Center, that he or she be released and discharged from said internment, detention and unlawful restraint upon his or her liberty, asserting therein the various grounds and reasons therefor, both factual and legal, but the Attorney General of the United States, his agents and representatives, and Ivan Williams, as the Officer in Charge of said Tule Lake Center, as aforesaid, acting under his orders, and said defendants, failed and refused and *to* still fail and refuse to release and discharge each and all of said plaintiffs from said internment, detention and restraint and threatened removal or deportation to Japan; that a copy of the last written demand so made by each plaintiff on November 1, 1945, by registered air-mail letter, is annexed hereto, incorporated herein, made a part hereof, and is marked Exhibit "1".

As and for a Third and Separate Cause of Action,  
Plaintiffs Above Named as Minors Allege:

I.

Plaintiffs incorporate herein Paragraphs I, II, III, IV and VI of said complaint as if fully set forth in this cause of action.

II.

That all of the plaintiffs named in this cause of action were under the age of twenty-one (21) years at the time of signing of said renunciation applications, said plaintiffs including the minors above-named appearing by next of friend and guardian ad litem and many other plaintiffs who since said time have attained their majority; and by reason of the minority of said plaintiffs at the time of signing said renunciation applications and also by reason of the aforesaid rescissions and disaffirmances by them and each of them said alleged renunciations are of no legal effect whatsoever and said plaintiffs are still citizens and nationals of the United States and are not subject to internment, detention, restraint and deportation to any foreign country.

Wherefore, the plaintiffs, and each of them, pray for a temporary restraining order and for an injunction pendente lite and for a permanent injunction prohibiting defendants, and each of them, their agents, servants, employees and representatives, and each of them, from removing the plaintiffs, or any of them, from the jurisdiction of this court and from removing or deporting them or any of them

from the United States to Japan or to any foreign country, or from taking any steps in furtherance of any such removal or deportation, pending the final judgment in this suit; and each plaintiff prays that his or her said application for renunciation of United States nationality be ordered to be delivered up and cancelled and be declared null, void and of no effect; that any approval thereof made by the defendant Attorney General of the United States or order issued by him approving the same, if any ever was made, be cancelled and be declared null, void and of no effect; that it be declared and adjudged that he or she is not an alien enemy; that he or she be declared to be a national of the United States and a citizen thereof; that it be adjudged and decreed that he or she is a native-born citizen and national of the United States; that it be adjudged and decreed that his or her internment, detention and restraint is illegal and void and that each be ordered released therefrom; that any and all orders for his or her removal or deportation be ordered cancelled; for an order and judgment declaring his or her rights in the premises; that each have his or her costs of suit; and that each have such other and further relief as may be just.

Dated: November 5, 1945.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

United States of America,  
State of California,  
County of Modoc—ss.

Harry Uchida, being first duly sworn, deposes and says: That he is one of the plaintiffs in the



foregoing complaint named; that he is confined and detained at the Tule Lake Center, Newell, Modoc County, California, as alleged therein; that he makes this affidavit and verification of said complaint on his own behalf as such a plaintiff and on behalf of each and all the plaintiffs in said complaint, each of whom likewise is confined and detained at said Tule Lake Center by defendants, as alleged therein, and each of whom has authorized him so to do, and because it is impracticable to have the same verified by each of them by reason of the aforesaid confinement and detention of each, their large number and the long period of time which would be required and be consumed to have such done and because of the shortness of time due to the threatened and imminent involuntary removal and deportation of each and all of said plaintiffs, as alleged therein; that he personally knows the facts set forth in said complaint which apply equally to each and all of said plaintiffs; that he has read the foregoing complaint and knows the contents thereof; that the same is true of his own knowledge except as to the matters therein stated upon information or belief and as to such that he believes it to be true.

/s/ HARRY UCHIDA.

Subscribed and Sworn to before me this 7th day of November, 1945.

[Seal] /s/ JOE J. THOMAS,

Notary Public in and for the County of Modoc,  
State of California.

My Commission Expires September 20, 1949.

## EXHIBIT NO. 1

San Francisco, California.

November 1, 1945

Honorable Tom Clark,  
Attorney General of the U. S.,  
Department of Justice Building,  
Washington, D. C.

Dear Sir:

Each of the persons whose name appears on the attached list, hereinafter referred to as the renunciant for the sake of clarity, at all times herein mentioned has been and now is interned in the Tule Lake Center situated in the vicinity of Newell, Modoc County, California. Ostensibly each of said persons there is confined as an asserted renunciant of United States nationality. Under a claim of color of authority under the Alien Enemy Act, 50 U. S. Code, sec. 21 et seq., each of them is classed, treated and detained as an alien enemy in said prison, concentration or internment camp by you or under your authority. The reason for this continued and oppressive imprisonment of said persons appears to be that at a perfunctory appearance before a government official, representative or hearing officer, presumably designated as such by the then Attorney General of the United States, each of the said persons, in the early part of 1945, signed an application for renunciation of United States nationality on a form prescribed and supplied by the Department of Justice.

The signing of said renunciation forms was not under oath. It was neither real, free nor voluntary on the part of any of the said persons but was obtained through duress, menace, fraud, undue influence and mistake of fact and of law, and through the means of each of said things, all as you heretofore have been informed by each of said person's recent letter to you revoking such renunciation.

Each of the said persons has received a letter from a representative of your Department which contains a notice stating, in substance, that said renunciation has been approved by the Attorney General as not contrary to the interests of national defense and that the signer of said renunciation form no longer is a citizen of the United States and is not entitled to any of the rights and privileges of such citizenship. Each of such letters, however, fails to specify the date, when, if ever, the Attorney General himself approved the renunciation and also fails to state that an order, at any specified time or ever, actually was issued by him approving the renunciation as not contrary to the interest of national defense. It is significant that an approval of a renunciation is a finding that a renunciant is not a danger to our security. It is strange that many of such applications were revoked by the signers prior to the time any attempted approval thereof was made and that the revoking letters were ignored by your Department.

The theory offered in justification of such interment, if I am correctly informed, is that an

approved renunciation, provided it was executed and approved during time of war and possessed the attributes of constitutionality and legality, automatically converted the renunciant into an alien enemy and thereupon condemned him to internment as an alien enemy under the provisions of the Alien Enemy Act. The theory is novel and unprecedented to say the least. The most that can be said of such a renunciation is that a shedding of U. S. citizenship does not clothe the renunciant with foreign citizenship but leaves him stateless. Such a person, nevertheless, is an inhabitant of this country and is entitled to the protection of constitutional safeguards. There is neither constitutional nor statutory authority or precedent justifying the internment of such a person as an alien enemy under the provisions of the Alien Enemy Act.

None of the persons whose name appears on the attached list is an alien enemy and none at any time has been an alien enemy or an alien or a national or a citizen or a subject of any foreign, sovereign, government, power or nation. Each of said persons was born in the United States and ever since continuously has been and now is subject to the jurisdiction thereof and is a national of and a citizen of the United States, as provided by the 14th Amendment of the Constitution, and as such is entitled to all the rights, liberties, privileges and immunities of national citizenship and to those

rights secured to persons by the 5th Amendment of the Constitution.

As the attorney duly authorized to represent and representing each of said persons whose name appears on the attached and annexed list which is incorporated herein, and for and on behalf of each of them, I hereby withdraw, retract, rescind, revoke, cancel and annul each of said renunciations and renunciation forms executed by each of them upon the following grounds and for the following reasons, among other grounds and reasons, to-wit:

1. That the said renunciation was invalid and void in its inception and also in its execution and has never become and cannot become effective;

2. That neither an approval nor an order approving the said renunciation has been made or issued by the Attorney General of the United States and none possessing validity can be made;

3. That neither an approval nor an order approving the said renunciation can be made by a subordinate executive officer in the absence of a specific statutory authority having been lodged by Congress in the Attorney General of the United States to delegate such a discretionary authority to be exercised by any person;

4. That the provisions of 8 USCA, sec. 801(i), and regulations issued pursuant thereto, on their face and also as construed and applied to each of said persons, are unconstitutional and void for being repugnant to the 5th, 6th, 9th, 10th and 14th Amendments and in contravention of the privileges

and immunities secured to each of them by the provisions of Article IV, sec. 2, of the Constitution;

5. That the application of the provisions of 8 USCA, sec. 801(i), and regulations issued pursuant thereto, to each of said persons is in excess of congressional authority lodged in Congress by Article I of the Constitution and is void as being extra-constitutional;

6. That an approval of said renunciation form, if given, and the giving of notice thereof, were, and each of said things was, in fact and in law, contrary to the interests of national defense and also contrary to the sovereignty of the United States, and for each of said reasons is invalid and void;

7. At the time said renunciation form was signed and ever since then the renunciant, together with a member or members of his or her immediate family, was and still is held in duress, then and their being unlawfully imprisoned in the said Tule Lake Center, under a claim of color of official governmental authority, and being deprived of practically all his or her constitutional rights, liberties, privileges and immunities guaranteed to him or her as a citizen and national of the United States by birth and by choice and of practically all his or her rights as a person secured by the Constitution. While thus imprisoned and held in duress renunciant was made the unwilling victim of fraud, menace and undue influence and was mistreated, discriminated against, harassed and oppressed solely by reason of the irrelevance of the national-

ity of his or her ancestors and their historical and geographical origin;

8. At the farcical hearing on said renunciation which, held under the aforesaid circumstances, was nothing but a perfunctory appearance, the hearing officer's recommendation thereon was based, either in whole or in part, upon secret information and data available to and used by the hearing officer but which was withheld and kept secret from renunciant, and the approval thereof and order approving said renunciation, if any ever was made, was wholly or partially based thereon and, therefore, is invalid and void as a deprivation of a fair and impartial hearing, in violation of the provisions of the 6th Amendment, and as a denial of due process of law, in violation of the provisions of the 5th Amendment;

9. That the United States government, acting by and through its officials, agents, servants and employees, as the guardian and custodian of the person of renunciant and of the persons of members of his or her immediate family, its wards, knowingly and deliberately took a gross advantage of renunciant who then and there was held in duress and in a constant state of terror and subjected to menace, fraud and undue influence and deliberately deprived renunciant of the benefit of independent advice and counsel in and about the hearing on said renunciation and the execution of said renunciation form and failed to inform renunciant that a renunciation would result in his or her deportation to

Japan. The authorities confining renunciant to said prison also recently commanded renunciant to register as an alien, under pain of punishment provided for violation of the Alien Registration Act of 1940 for refusal so to do, and also demanded of many renunciants a false declaration, in a non-repatriation application, to the effect that renunciant was a person of Japanese nationality or a dual citizen despite the fact said authorities then knew, as a matter of fact and of law, that renunciant was of United States nationality and not a dual citizen, and also refused to accept written protests against such registration and declarations;

10. The time, place and circumstances under which said renunciation form was signed by renunciant did not constitute a fair and impartial hearing or trial and, in fact and in law, constituted a denial of renunciant's constitutional guaranty of due process of law and of the equal protection of the laws, in violation of the provisions of the 6th and 5th Amendments of the Constitution and, in addition thereto, constituted an unconstitutional deprivation thereunder of all of those inalienable rights of national citizenship and of persons flowing from the facts of birth and residence in this country and which inhere in and attach to renunciant;

11. That at the time said renunciation form was signed the renunciant was not a free agent in any sense of the words but, together with members of his or her immediate family, then and there was



and for a long period of time prior thereto had been and still is unlawfully confined to a concentration camp and restrained of his or her liberty, under a claim of color of authority of the United States, albeit in the absence of crime upon his or her part and without a charge or accusation of crime having been lodged against him or her. Said renunciation was exacted from renunciant while he or she was held in duress by the government acting through its officials, agents, servants and employees and while renunciant was, by them, knowingly permitted to be subjected to the menace, fraud, undue influence and duress exerted and practiced upon him or her by the government and its agents and especially by organized terroristic groups and gangs of persons, and other individuals, who were confined to said Center, which groups had established and maintained a veritable reign of terror over the internees;

12. That said renunciation was neither free nor voluntary on the part of renunciant but was the product of fear, torment and terror induced in renunciant's mind by virtue of the governmental duress in which renunciant then and there was held which operated to deprive renunciant of freedom of choice, will and desire in and about the execution of the same; and at the time renunciation hearings were being held in said Center the government and its agents led the internees to believe and since then has led them to believe, by word and conduct, that renunciations were not final but were subject to

being withdrawn and cancelled, in like manner as requests for repatriation were subject to withdrawal and cancellation, and thereby lulled them into a false sense of security and also led them to believe that renunciations would not result in a renunciant's involuntary deportation to Japan and thereby also lulled them into a false sense of security;

13. That said renunciation was neither free nor voluntary on the part of renunciant but was the product of fear, torment and terror induced in renunciant's mind by virtue of the duress in which he or she then was held and by virtue of the duress, menace, fraud and undue influence practiced upon and exercised against renunciant and members of renunciant's immediate family by terroristic groups and gangs of disloyal, subversive and fanatical persons there actively engaged in developing and promoting loyalty to Japan, and by other individuals, likewise confined to said Center, who intimidated, coerced and compelled renunciant to execute said renunciation form by threats, exhibitions and examples of physical violence against the person of renunciant and members of renunciant's family, all of which operated to deprive renunciant of freedom of choice, will and desire in and about the execution of the same. The truth of this is acknowledged in the letter of the Department of Justice dated January 18, 1945, addressed to the respective chairman of the Sokuji Kikoku Hoshi Dan and the Hokoku Seinen Dan at the Tule Lake Center,

copies of which, at the instance of your Department, were posted promiscuously in the said Center;

14. Renunciant signed said renunciation form as a result of the duress, menace, fraud and undue influence to which he or she and renunciant's family confined to said Center constantly were subjected by the government, and its agents, as renunciant's jailor and custodian, and by the afore-said terroristic groups, gangs and individuals to whose studied and continuous campaign of terrorism and criminal oppression renunciant there helplessly was exposed and such renunciation was and is false, fictitious and void for each of said reasons:

15. That said renunciation was neither free or voluntary; the renunciant was compelled, intimidated and coerced into signing said renunciation form by reason of threats of unlawful and violent injury to the person, property and character of renunciant and to members of renunciant's family, made by disloyal, subversive and dangerous pressure groups, gangs and individuals harbored and detained in said Center. These were freely allowed and permitted by the government, as the jailor and custodian of renunciant, to menace, intimidate, coerce and terrorize renunciant and many other loyal American citizens there confined, by oral means, by displays, shows, parades, demonstrations and exhibitions of force and violence, and by threats of inflicting great physical injury and loss of life upon renunciant and other loyal American

citizens there confined, thereby compelling them involuntarily to execute such renunciations. The renunciant was in constant fear, as was his or her immediate family and other loyal internees, and believed and feared, as did members of his or her family, that said threats would be carried into execution if said renunciation was not signed. The renunciant was acting under the duress, menace, fraud and undue influence of said groups and gangs, and of other individuals confined to said Center, and by virtue thereof, signed said renunciation form under compulsion and in fear of said threats. The government failed to accord renunciant and said persons the protection against said lawlessness and terrorism although protection against the same was their due. It failed to halt or put a stop thereto and thereby contributed to the mass hysteria and terroristic state in which they were held. Of all these facts your predecessor in office, the agents of your Department and the authorities in charge of said Center then were aware;

16. That at the time said renunciation application was signed renunciant had been informed and led to believe and believed, by virtue of said imprisonment, duress and the undue influence under which he or she was laboring, that it was a matter commanded by the government, compliance with which was a prerequisite to the right to remain in the protective security of said Center, as also to prevent a disuniting of renunciant's family. In addition, you are aware of the great number of overt and covert acts ocmmitted, the misrepresentations made

by and the undue influence exercised over renunciant and other internees by the said terroristic pressure groups and gangs of disloyal, subversive and criminally inclined persons, likewise there confined, who compelled the applications to be signed. For a long time prior to the signing of said application, at said time and since such groups and gangs knowingly and recklessly were permitted by the government and its agents to engage in and carry on their continuous campaign of lawlessness and terror against renunciant and other loyal internees there confined and to establish and maintain a rule of terror over them. These groups and gangs were openly permitted and allowed to preach and practice sedition, to terrorize the internees and to endeavor to proselyte to the cause of the enemy those loyal American citizens and aliens friendly to the United States there interned. They were permitted to and did menace, intimidate and coerce thousands of loyal and law abiding internees, by means of threats and resorts to demonstrations, exhibitions and examples of individual assaults and batteries and mob violence, into compelling renunciant and thousands of others to execute said renunciation form.

The government neither prevented nor stopped the said reign of terror. It afforded the internees neither help nor protection against it. It failed to prosecute the active leaders and members of said groups and gangs for the commission of such criminal acts. By reason of said rule of terror, which kept the internees in a constant state of mass hys-

teria, and in the absence of protection against the same being afforded by the government, many loyal and innocent but helpless internees were driven to become nominal but inactive members of such groups simply to save themselves and their families from danger, physical violence and probable loss of life from said sources;

17. Each of said persons was informed, by public announcements made by governmental authorities just prior to the time said renunciations were signed, and concurrently therewith, that his or her deportation to Japan, along with alien members of his or her family, on an exchange ship, was imminent and impending and each and all of them, by said pressure groups and gangs active in said Center and members thereof, were threatened that if he or she failed to sign an application for renunciation the security of each and that of their families upon arrival in Japan would be endangered because the pro-Japanese leaders of said nationalistic pressure groups and gangs would report them to the Japanese government as being dangerous alien enemies to Japan and as American spies, in which said announcements and representations he or she and his or her family and other internees detained in said Center believed and feared would be the treatment accorded them all. Said groups and gangs maintained an elaborate system of black-listing and espionage over the internees in said Center as part of the program of systematic tyranny to which they subjected the internees;

18. At the time said renunciation was signed and for weeks prior thereto active leaders and members of said pressure groups threatened said persons and each of them if any of them talked to, associated with or communicated with any of the Caucasians within or without said Center to whose charge they were committed or with any Caucasians there employed that such persons so doing would be assaulted by terroristic gangs sponsored by said pressure groups. Each of said persons believed in and feared and had good cause and reason to believe in and fear, that said threats against him or her would be carried into execution and that he or she and their families would be exposed to physical violence and probable loss of life if he or she failed to heed said threats and refused to obey the mandates of said pressure groups.

It may interest you to learn, although I presume you long ago must have been informed, that such pressure groups and gangs maintained, operated and conducted special coaching schools in the Center for the express purpose of coaching the helpless victims of their fraud, menace, deceit and undue influence upon the questions the hearing officers were to propound to them and the answers they were to give thereto at the scheduled hearings on the renunciation applications. You have been informed, I presume, that at least one loyal internee was murdered in said Center and that it does not seem ever to have been doubted by the internees and their custodians that the murderer was an active member

of one of the terroristic groups operating therein and carrying out its mandate. You are aware that the government and its agents made little, if any, effort to suppress and none to isolate the active criminal members of such groups. You know that none of the leaders or active members of said groups and gangs were prosecuted criminally for their lawless acts. Had the federal sedition and espionage or other criminal laws been invoked against them their lawlessness would have been checked;

19. In the event of a refusal to execute such a renunciation from the renunciant, together with renunciant's immediate family, was informed, believed and feared, by reason of said duress, intimidation and coercion, and by reason of representations made by said disloyal groups, gangs, and by other individuals confined to said Center, that renunciant and members of renunciant's family would be expelled and removed from the comparative security of his or her then prison and the custody of his or her then jailors and custodians and would be driven back, friendless, propertyless and protectionless, into civil life in a community highly prejudiced against and hostile to renunciant and renunciant's family because of their descent from persons of Japanese ancestry and there would be exposed to and suffer great bodily harm, injury and probable loss of life by virtue of existing mob violence and the criminal intentions of lawless individuals who regard all persons of Japanese descent as



enemies upon whom they might with impunity inflict injury.

For the said reasons renunciant was led to believe and believed that if renunciant signed said renunciation form the renunciant, together with his or her family, would be permitted, allowed and entitled to remain in the relative security afforded by said Center, renunciant's jailors and custodians until such time as the war had terminated, peace had been restored and such community prejudice, hostility and violence subsided and ceased. In the face of said threats and while held in duress and also acting upon said representations so made, the renunciant, under the circumstances aforesaid, believed and feared and had good cause to believe and to fear that if he or she failed to execute the renunciation form renunciant and renunciant's family would be driven from said Center and would be exposed to and would suffer great harm and physical violence from said lawless sources. These are facts and matters of common knowledge of which the renunciant's jailors, custodians, the then Attorney General and the Department of Justice and its agents well were aware.

The failure of the government and its authorities and agents to segregate and isolate and prosecute the rabid and dangerous leaders and active members of said groups and gangs who were fanatically loyal to Japan and serving the cause of our enemy and who then desired and still desire to be repatriated to Japan and who should be sent there, and

through such a procedure effectively to prevent them from inoculating interned loyal American citizens and friendly aliens with the virus of disloyalty, despite the repeated pleas made for such relief and protection, is, in itself, ample proof of the abusive treatment suffered by renunciants and thousands of other internees loyal to the United States and of the duress in which renunciants and they unlawfully were held;

20. Nearly all the confined male citizens of draft age in said Center, including those who had served faithfully in our armed forces and held honorable discharges therefrom, and there were hundreds of these, and many others who were transferred, by the military authorities, from active duty to the enlisted reserve and who, with such status, are still subject to being called for active duty, were classified as "4-C" by draft boards acting upon instructions of the government. They were thus detained, treated and falsely classified as "alien enemies," that is to say, "4-C," without good cause, without justification and in violation of their rights as American citizens. By reason thereof, they were led to believe that the government of the United States regarded them not as citizens but as alien enemies. Said conduct upon the part of the government compelled them formally to make a fictitious renunciation of a citizenship of which each already, in fact, had been deprived by the government. Many of the renunciants who are confined to said Center repeatedly have tried to enlist in our armed forces but were denied the right to fight for and

defend our country by prejudiced and hostile draft boards and by governmental authority and still are denied this birthright;

21. In approving renunciations, if any were approved, a gross discrimination against the family unity of the confined persons was practiced, the governmental objective being the deportation of all renunciants. In accepting the renunciation of one member of a family and refusing another the government divides and disunites the families. The purpose of this was and is to cause a mass exodus of persons of Japanese ancestry from this country. It effectuates this purpose by compelling citizens who have not renounced to the hard choice of either remaining in this country separated from their wives, husbands, brothers, sisters, parents and children or being compelled to be the victims of a forced banishment necessitated to preserve family unity. Hundreds of our heroic soldiers of Japanese ancestry are returning from the battlefields of Europe and the Pacific to find their families divided, members thereof interned in the Center and themselves faced with such a distressing and terrible choice;

22. By reason of the 1942 evacuation from the western states and the subsequent prolonged detention of renunciant and persons of like ancestry in concentration camps the renunciant was driven into becoming a refugee from unjust racial discrimination, prejudice and hate. As a consequence of the mistreatment by the government and a hos-

tile segment of the public, both regarding and treating renunciant and persons of like ancestry as being persons of an inferior and degraded race unworthy of social acceptance on a basis of equality, the renunciant and persons of like ancestry were ostracized and forced to accept refuge from such discrimination, prejudice and hate by a retreat into the mass of persons of like ancestry held in confinement as if they were racial outcasts instinctively seeking refuge in inconspicuousness;

23. Many of the said persons whose names appear on the attached list, at the time of signing said renunciation, were minors under the age of 21 years and hence were laboring under a legal disability. Neither the provisions of the Nationality Act of 1940, as amended, nor any regulations issued pursuant thereto nor the provisions of any other statute or law authorizes a renunciation of U. S. Nationality by a minor under the age of 21 years. Neither under the provisions of 8 USCA, sec. 801 (i), nor under the Nationality Regulations is there any authority lodged in the Attorney General or any executive officer to fix 18 years as the age of maturity for renunciation purposes. I wish to point out that there is no legal authority or precedent whatever for acceptance or approval of renunciations executed by persons laboring under legal disabilities. I draw your attention to the fact that not only have minors who signed renunciation forms received notice from your office that such were approved but that others who labored

under legal disabilities also have received like notices. I direct your attention to the fact that it is a matter of common knowledge in and about the Tule Lake Center that one person who was hopelessly non compos mentis at the time of signing a renunciation application, upon which a letter issued from your office giving notice of approval thereof, shortly thereafter was hurried away to a State institution for the insane;

24. None of the persons whose name appears on the attached list is a citizen, subject or national of Japan. None of them owes any allegiance to Japan or any foreign sovereign, government, power or nation. None of them has ever had, held or given any such allegiance or acknowledged or recognized any such allegiance. None of them is an alien enemy. None of them is an alien. None of them holds or has at any time ever held or accepted any dual citizenship by any act upon his or her part. It is impossible that any of them at any time could have held any dual citizenship. None of them has at any time accepted or recognized his or her status as being that of a dualistic or pluralistic citizen, such a status being impossible as having been expressly disavowed by the provisions of Title 8 U.S. Code, sec. 800, and its predecessor statute, 8 U.S. Code, sec. 15. If any of said persons at said renunciation hearings or at any time during said confinement stated he or she was a dual citizen such a statement was a mutual mistake of law and also was a mistake of fact then known to be such by the

hearing officer, the government and its agents at the time and the same, if made, was made solely by reason of the aforesaid duress and undue influence, and if any such statement was made at any other time it was the product of hearsay, misinformation and guesswork and was a mistake of fact. You are aware that many of the internees at said Center took affirmative steps, prior to the time of evacuation from the west coast, to cancel a dual citizenship they never possessed;

25. I direct your attention to the fact and principle of law that a minor or other person who is under a legal disability and hence is not sui juris could not be bound by a futile registration made by parents which may have been misunderstood by them to confer such a status. As a matter of fact and of law none of the persons whose names appear on the attached list, of whom many are under the age of 21 years, has at any time whatever held, accepted or recognized any citizenship or allegiance to any country or nation save and except that in and to the United States. Each of them recognizes but one sovereign and that sovereign is the United States to which each ever has given his or her undivided loyalty and allegiance. Unfortunately none of them was given an opportunity to demonstrate his or her loyalty affirmatively—imprisonment and mistreatment prevented such demonstration.

V-E Day is long behind us. V-J Day has come and passed. The war long has been over, Mr. At-

torney General. The detention even of alien enemies is not now authorized by the Alien Enemy Act which is operative only during wartime and can no longer be justified thereunder. It cannot be asserted with any degree of truth whatever that the Alien Enemy Act may lawfully be invoked to confine citizens, stateless persons or aliens. There now exists no legitimate reason or ground why even alien enemies long resident in this country and not hostile thereto should be confined to an internment camp. There is absolutely no reason or ground that can be offered in justification for the present detention and internment of the persons whom I represent and whose names appear on the attached list whether you view them either as citizens or as stateless persons.

Inasmuch as duress, menace, fraud, mistakes or law and fact, and undue influence caused the execution of the renunciation form on the part of each of the persons whose name appears on the attached list, of which facts you and officers of your Department have knowledge, you are empowered to accept the revocation and cancellation thereof and to withhold, withdraw and revoke any acceptance or approval of each of them, if any such acceptance ever was made or approval ever was given in any case. You are also empowered and authorized to order the release and discharge of each of said persons from internment. Each of said persons demands such a release and discharge from the custody in which he or she now is held by agents acting under your authority, direction and control.

These renunciants whom I represent are long suffering citizens. They have submitted to grosser indignities and suffered greater losses of rights and liberties than any other group of persons during the entire history of the nation, all without good cause or reason. They have been misunderstood, slandered, abused and long have been held up to public ridicule, shame and contempt. The mistreatment was initiated by an unjustified evacuation from the west coast, was intensified by imprisonment in a concentration camp for over three years, with all the attendant suffering and misery this entailed, and now these internees, faced with a loss of citizenship rights, are confronted with a threatened involuntary deportation to Japan, a country and nation to which they owe no allegiance, which has no claim upon them and with which they are not familiar. It is time this whole pernicious program of oppression was terminated. It is time the exercise of arbitrary and capricious power over them should cease. The damage done them cannot be repaired but further injury can be stopped. You have the right and the power to call halt to this program. You can prevent further mischief being done and thereby alleviate the misery these unfortunate people endure.

In the event that you fail to take immediate action on the foregoing demands each of the persons whose name appears on the attached list, having no alternative save so to do, will institute such legal proceedings as may be lawful and of which he or



she may be advised to effectuate the cancellation of his or her aforesaid renunciation form and renunciation of U. S. nationality, to prevent his or her deportation to Japan, to terminate his or her internment and to obtain release from the present restraint upon his or her liberty and to obtain whatsoever other redress law or equity may afford.

Yours very truly,

/s/ WAYNE M. COLLINS,

As attorney for each of the persons whose name appears on the attached and annexed list of names.

Duplicate originals to:

State Department, Washington, D. C.

Alien Property Custodian, Washington, D. C.

Foreign Funds Control Section of the Treasury Department, Washington, D. C.

Federal Bureau of Investigation, Washington, D. C.

Immigration and Naturalization Service of the Department of Justice, Washington, D. C.,

Officer in Charge, U. S. Department of Justice Immigration and Naturalization Service, Tule Lake Center, Newell, Modoc County, California, said Officer in Charge presently being Ivan Williams, Tule Lake Center, Newell, Modoc County, California.

List of Names

(Internees at Tule Lake Center)

TADAYASU ABO, et al.,—adults, individually,

and as constituting a class, and as representatives of a class,

and

GENSHYO AMBO, et al.,—minors, individually, and constituting a class, and as representatives of a class, by HARRY UCHIDA as the next of friend and as guardian ad litem of them and each of them,

Plaintiffs.

[Endorsed]: Filed Nov. 13, 1945.

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[Title of District Court and Cause.]

ORDER APPOINTING NEXT OF FRIEND  
AND GUARDIAN AD LITEM FOR MINOR  
PLAINTIFFS

Upon reading and filing the verified complaint, and on the motion of Wayne M. Collins, Esq., attorney for plaintiffs, and good cause appearing therefor,

It Is Ordered that the minors named in the above-entitled cause be and each of them is hereby authorized to appear herein by Harry Uchida as his or her next of friend and as guardian ad litem of them and each of them.

Dated: November 13, 1945.

/s/ A. F. ST. SURE,

U. S. District Judge.

[Endorsed]: Filed Nov. 13, 1945.

[Title of District Court and Cause.]

### STIPULATION AND ORDER

Whereas the Attorney General of the United States, through the instrumentality of the United States Department of Justice, a federal agency, contemplates and intends to conduct "mitigation-hearings" of persons asserted to be renunciants of United States nationality who are detained in the custody of the defendants at the Tule Lake Center, Newell, Modoc County, California, and of certain other asserted renunciants detained under his authority at the Fort Lincoln Detention Camp at Bismarck, N. D., and at the Alien Internment Camp at Santa Fe, New Mexico, and including the plaintiffs named in the above-entitled proceeding who are detained in custody of defendants at said Tule Lake Center and also those similarly detained persons who, from time to time, may be joined and included as plaintiffs in said class action, and

Whereas at said such hearings which are expected to be commenced during the month of January, 1946, such asserted renunciants are to be given an opportunity to show cause why they should not be deported to Japan by the said Attorney General, and

Whereas it is agreed by the parties hereto and said Attorney General that such plaintiffs shall not file individual written statements on any applications for any such mitigation hearings or be required to make oral statements at such hearings

reserving their rights which would increase to an enormous extent the paper work of the examiners who are to conduct such hearings and absorb an unusual amount of their time.

It Is Stipulated between the parties hereto and said Attorney General that neither the application of any of said such plaintiffs to have such mitigation hearings nor their submission thereto shall operate as or constitute a waiver of any constitutional, statutory or other legal rights or remedies asserted in the above-entitled proceeding by any plaintiff nor shall the same in anywise bar or prejudice their right to maintain said action.

Dated: December 31, 1945.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

TOM C. CLARK,  
Attorney General of U. S.,  
IVAN WILLIAMS,  
FRANK J. HENNESSY,  
U. S. Attorney,  
Defendants.

By /s/ WILLIAM E. LICKING,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

So Ordered: December 31, 1945.

/s/ A. F. ST. SURE,  
U. S. District Judge.

[Endorsed]: Filed Dec. 31, 1945.

[Title of District Court and Cause.]

## STIPULATION AND ORDER

Whereas the Attorney General of the United States, through the instrumentality of the United States Department of Justice, a federal agency, contemplates and intends to conduct "mitigation-hearings" of persons asserted to be renunciants of United States nationality who are detained in the custody of the defendants at the Tule Lake Center, Newell, Modoc County, California, and of certain other asserted renunciants detained under his authority at the Fort Lincoln Detention Camp at Bismarck, N. D., and at the Alien Internment Camp at Santa Fe, New Mexico, and including the plaintiffs named in the above-entitled proceeding who are detained in custody of defendants at said Tule Lake Center and also those similarly detained persons who, from time to time, may be joined and included as plaintiffs in said class action, and

Whereas at said such hearings which are expected to be commenced during the month of January, 1946, such asserted renunciants are to be given an opportunity to show cause why they should not be deported to Japan by the said Attorney General, and

Whereas it is agreed by the parties hereto and said Attorney General that such plaintiffs shall not file individual written statements on any applications for any such mitigation hearings or be required to make oral statements at such hearings reserving their rights which would increase to an

enormous extent the paper work of the examiners who are to conduct such hearings and absorb an unusual amount of their time,

It Is Stipulated between the parties hereto and said Attorney General that upon applying for or submitting to such a mitigation hearing each plaintiff in the above entitled action shall be deemed to have objected to such hearing upon the grounds that he or she is a native born citizen of the United States and not subject thereto, and that he or she does not intend the same to operate as or constitute a waiver of any constitutional, statutory, or other legal right or remedy asserted in the above entitled action by him or her, or in any wise to bar or prejudice his or her right to maintain said action.

It Is Further Stipulated that the stipulation dated December 31, 1945, executed by William E. Licking for defendants, and the order of Court made thereon and filed herein on December 31, 1945, be vacated and set aside.

Dated: January 2, 1946.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

TOM C. CLARK,  
Attorney General of U. S.  
IVAN WILLIAMS,  
FRANK J. HENNESSY,  
United States Attorney,  
Defendants.

By /s/ ROBERT B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

So Ordered: January 2, 1946.

/s/ A. F. ST. SURE,  
U. S. District Judge.

[Endorsed]: Filed Jan. 2, 1946.

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[Title of District Court and Cause.]

STIPULATION AND ORDER

It Is Stipulated between the parties hereto that the defendants herein may have to and including the 11th day of February, 1946, within which to answer or plead to the complaint of plaintiffs herein, or to make such motion as they may be advised.

Dated: January 2, 1946.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.  
TOM C. CLARK,  
Attorney General of the U. S.  
FRANK J. HENNESSY,  
U. S. Attorney.

By /s/ ROBERT B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

So Ordered: January 2, 1946.

/s/ A. F. ST. SURE,  
U. S. District Judge.

[Endorsed]: Filed Jan. 2, 1946.

[Title of District Court and Cause.]

SUPPLEMENT AND AMENDMENT TO COMPLAINT TO RESCIND RENUNCIATIONS OF NATIONALITY

Come the plaintiffs in the above-entitled action, supplementing and amending the complaint to rescind renunciations of nationality herein by the following allegations to be added to Paragraph II (1) of the Second Cause of Action therein contained, immediately following the matter ending on line 26 of page 19 of said Complaint To Rescind Renunciations of Nationality, to-wit:

(c) The pressure groups and gangs, mentioned in paragraph II (1) of said "Complaint To Rescind Renunciations," originated in said Tule Lake Center in 1944 as a Japanese educational and cultural movement sponsored and fostered by the War Relocation Authority, a federal executive agency to the charge of which the evacuees in said Center, including all the plaintiffs herein, were committed; said movement, then and thereafter until all the renunciation forms therein mentioned had been signed and pseudo-hearings held thereon, was conducted with the full knowledge and consent of said agency and under the eyes of its officers, agents and employees; said movement developed into a racket cast in the form of an innocuous appearing "innocents front" organization; thereafter, by its organizers, leaders and controllers, a majority if not all of whom were aliens of Japanese nativity, it was



converted into a pro-Japanese nationalistic movement; at the time of said renunciation hearings it had developed into and was an active terroristic movement controlled by a leadership of such aliens whose design, purpose and actions gave such direction thereto and compelled in excess of eighty (80%) percent of the total number of citizens prisoners over 18 years of age there confined who signed renunciation applications, included in which percentage is each plaintiff herein, to sign applications for renunciation of U.S. nationality, all as admitted by the Government and therefore by defendants in Exhibit "2" attached hereto and made a part hereof; that the real nature, purposes and bent of said movement, under such leadership, was concealed from its inactive members who had joined it when it appeared to them to be a simple educational and cultural movement, as aforesaid, and when its true nature and purposes had not been revealed and were not discernible; that when the true nature and purposes thereof became apparent many members thereof did not dare to protest the course thereof or openly resign therefrom because of the coercion of said groups and gangs and for fear their own personal security and the security of members of their families thereby would be endangered, and many persons confined to said Center, including some of the plaintiffs herein, were compelled to join the same as inactive members for like security reasons while acting in fear of said groups and gangs by reason of said coercion and while held in duress by them.

(d) That while the aforesaid campaign of terror was reigning at said Tule Lake Center and as the proximate result thereof 5,371 native-born Americans over 18 years of age, among whom are each of the plaintiffs, executed applications for renunciation of United States nationality; that in excess of 5,346 of said native-born Americans, including each of the plaintiffs, did so as the direct and proximate result of and by virtue of the duress in which they then and there and for a long period of time prior thereto had been held by the United States Government, its agents, servants and employees and particularly by the War Relocation Authority aforesaid, and by virtue of the fraud, menace and undue influence of the aforesaid groups and gangs operating therein and the duress in which they were held by said groups and gangs and against which the United States Government, its agents, servants and employees and particularly the War Relocation Authority gave the plaintiffs no protection but openly allowed and therefore aided, abetted and participated in;

That the United States Government, by and through the Department of the Interior and the Secretary of the Interior as the head of the War Relocation Authority to whose charge plaintiffs and all prisoners confined in said Tule Lake Center were committed at the time of said renunciations, through the Under Secretary of the Interior, on August 6, 1945, made an executive finding in writing, admitting and publishing therein the fact that

it was "primarily due" to the undue influence, fraud, menace and duress practiced upon the evacuees detained in said Court by the aforesaid groups and gangs that caused renunciation applications to be signed by "over 80% of the citizens" there confined who were deemed eligible to renounce U.S. nationality; that a photostat copy of said writing is attached hereto, made a part hereof and is marked Exhibit "2"; that the responsibility for and the cause of in excess of 5,346 of said 5,371 total of said renunciations rests with the War Relocation Authority to which agency the immediate charge of said persons in said Center was committed for carrying into execution the policy adopted by it and under which it sponsored and fostered the cultural movement aforesaid and permitted the diversion thereof into the terroristic movement aforesaid and for its failure and refusal to take precautionary measures to prevent such rule of terror and to protect the plaintiffs from harm and to safeguard their rights as American citizens;

(e) Shortly after the time the said applications for renunciation had been signed at said Center by the plaintiffs the government of the United States, acting by and through the War Relocation Authority, and its agents, suddenly formulated and carried into execution the following program and policy, to-wit:

It seized all the organizers, leaders and active members of the aforesaid pro-Japanese nationalistic

pressure groups and gangs, the great majority of whom were aliens of Japanese nativity, along with many other aliens and native-born Americans of Japanese ancestry then confined to said Center and who were harmless and innocent of any wrong doing and who never at any time were hostile or dangerous to our security or to the security of any person in said Center, and forcibly removed them to internment camps situated in Bismarck, N. D., Santa Fe, N.M. and Crystal City, Texas, from whence all of the organizers, leaders and active members and persons then of disloyal bent thereafter and since the filing of this petition were voluntarily repatriated to Japan by the U.S. Government; in addition to said persons so repatriated, a number of native-born Americans and alien Japanese innocent of wrong doing voluntarily repatriated to Japan therefrom because of their aforesaid long mistreatment by this government, including among them a number of American nationals, renunciants and inactive members of said pressure groups who were subject to the undue influence of and under the duress of said groups and gangs and whose repatriation was due to the undue influence and duress thereof; that in excess of 8000 persons of Japanese ancestry have been repatriated to Japan from said Center and camps; that in excess of twenty (20%) percent of the renunciants originally confined to said Center who signed said renunciation applications have since then been repatriated to Japan from said Tule Lake Center, the Fort Lincoln Internment Camp at Bismarck,

North Dakota, the Alien Internment Camp at Santa Fe, New Mexico, and the Alien Internment Camp at Crystal City, Texas;

All the renunciants, including plaintiffs, who have not been repatriated or deported to Japan are either persons who never were members of or associated with the aforesaid pressure movement, groups and gangs or are persons who resigned from said movement upon learning the true character and purposes thereof and who did not participate in or sympathize with the unlawful and wrongful acts and purposes thereof or who were forced to join the same to avert danger to themselves or members of their families and who resigned therefrom or ceased to have connection with the same upon learning the true nature and character thereof;

That while the plaintiffs were in the aforesaid Tule Lake Center they, as also those who later were incarcerated in Bismarck and Santa Fe, constantly were subjected to the surveillance, menace, fraud and undue influence of said leaders of said movement, which was carried over into the said Camps at Bismarck and Santa Fe by leaders and active members thereof who had been transported thereto, as aforesaid, and who there established and carried on a like reign of terror over the persons there confined; that said menace, fraud and undue influence and duress did not abate until the Government initiated its program of voluntary repatriation to Japan and did not cease until all the leaders thereof in said Center and Camps had been repatriated subsequent to the filing of this suit;

(f) That the pseudo-hearings conducted by the Government on the renunciation applications at said Center were arbitrary, unreasonable and oppressive and plaintiffs thereat were deprived of the benefit of and the assistance of counsel, as aforesaid; that at the "mitigation-hearings" conducted after the filing of this suit at the Tule Lake Center, the Fort Lincoln Internment Camp at Bismarck and the Alien Internment Camp at Santa Fe, during January and February of 1946, at which the plaintiffs were ordered by the Attorney General of the United States to show cause why they by him should not be deported to Japan, each was arbitrarily subjected to such examination or hearing by said Attorney General and was denied the right and opportunity to be represented thereat by their counsel; that said hearings, in truth and in fact, were pseudo-hearings in which the plaintiffs summarily were scheduled for such examinations before hearing officers, appointed by the Attorney General, without reasonable time or opportunity to prepare therefor or to obtain witnesses or evidence in their behalf; that neither plaintiffs nor witnesses thereat were sworn; that the hearings were unduly brief; that neither the opportunity nor the privilege of inspection of any evidence or evidence adverse to them was afforded plaintiffs nor was any adverse evidence offered against them; that at said hearings, as also upon a review of the recommendations of such hearing officers by the Attorney General and his reviewing staff thereon, said hearing officers, the

Attorney General and his said reviewing staff, in refusing to recommend many plaintiffs for release from detention and to release them therefrom, considered and gave controlling weight to secret information contained in files maintained by such officers which was never made known to said plaintiffs and was not introduced into evidence at said hearings against them, and based such refusals upon whim and caprice; that at said fictitious administrative hearings, as also at the pseudo-hearings on the renunciation applications aforesaid, the hearing officers or examiners exacted statements and evidence from said plaintiffs and used information from their own secret dossiers against them as part of the systematic duress in which the government long had held and then was holding plaintiffs; that no evidence of an adverse character was adduced at said hearings against any plaintiff or that in anywise showed or tended to show any plaintiff was hostile or dangerous to the security of this country; that said hearings were arbitrary, unreasonable and oppressive in character and wholly unfair and impartial and in violation of the 5th Amendment's guaranty of due process of law;

That in January of 1946 when plaintiffs' counsel visited those of his plaintiff clients herein at their places of internment in Bismarck, North Dakota, and Santa Fe, New Mexico, in response to their written requests, to advise them upon their legal rights to freedom from deportation, release from detention and the cancellation of their renunciation

applications the Government, acting by and through its agents in charge of said camps for the Department of Justice, over their oral protest and that of their counsel, refused said plaintiffs and their said attorney the fundamental right of privilege communications and privacy ordinarily existing between an attorney and his clients and compelled them to hold such conferences and consultations in the presence of an official agent or censor for the Government who supervised such conferences and consultations and listened to and eavesdropped thereon, and thereby deprived said plaintiffs of the assistance of counsel and the benefits of privileged communications, in violation of the constitutional guaranty of due process of law, and said conduct on the part of the government was part and parcel of the duress in which it held said plaintiffs; that said plaintiffs, through their counsel, have protested the said mistreatment in writing to the Attorney General, and the officers in charge of said camps and other governmental officers; that a copy of said protest is attached hereto and made a part hereof and is marked Exhibit "3."

(g) That at said Tule Lake Center during October, 1945, and ever since then, and on in excess of twenty (20) occasions, the said War Relocation Authority has made recordings of the long distance telephone conversations had between said Center and San Francisco between plaintiffs and their counsel concerning their rights and the progress of this suit and has published the same despite the



fact that the same was and is an interference with the privilege communication relationship existing between plaintiffs and their said counsel, an interference with their right of privacy and a denial of their right to counsel and a deprivation of their rights safeguarded by the 4th and 5th Amendments; that said practice upon the part of said War Relocation Authority has been and is a part of the generalized duress in which plaintiffs have been and are held by the Government;

(h) Prior to the time of the aforesaid renunciation hearings the U.S. Government, through the War Relocation Authority, set up at the Tule Lake Center a special jail, termed "The Stockade," within the limits of said prison or concentration camp wherein, without cause, it "incarcerated" innocent citizens, detained in said Center, without accusation of crime or wrongdoing on their part and without hearings on the cause therefor at any time having been afforded them and without allowing them the assistance of counsel and there held hundreds of them incommunicado for various periods of time ranging from a few hours to 360 days, all without cause; that said practice was designed to instil and did instil in the prisoners-evacuees confined to said Center an unwholesome fear of the arbitrary governmental power wielded over the evacuees confined to said Center and was a part and phase of the generalized campaign of duress in which the Government held the residents of said Center and said practice was continued

during the time of said renunciation hearings and thereafter; that in August, 1944, the threat of filing habeas corpus petitions for fourteen (14) persons, and in August, 1945, the filing of five (5) petitions in this Court for writs of habeas corpus for five persons, succeeded in liberating the total nineteen residents of said Center then unlawfully jailed in said Stockade.

(i) That as part of the Government's systematic program of duress in which it held the plaintiffs and all residents in said Center the War Relocation Authority set up, established and maintained for the past four years a slavery and peonage system at said Center; in furtherance of this oppression it organized in said Center what is known as the "Recreation Club" for the private and personal benefit of the Caucasian employees of said War Relocation Authority who were members thereof and through such an instrumentality deliberately exploited persons of Japanese ancestry confined to its charge; pursuant thereto members thereof paid in to said Club the sum of \$30.00 per month and the said Club thereupon hired out to such member one of the internees to serve such member in private employment in the capacity of a slave or peon, either as house-maid, domestic, servant, cook, janitor, waitress, mess-attendant or in another menial capacity, and paid such person therefor either the sum of \$16.00 or \$19.00 per month, depending upon the character of the service, for labor performed on a forty (40) hour week basis, the remainder of

the \$30.00 being retained by said Club with the exception of \$3.75 which the War Relocation Authority required the Club to pay such slave as a clothing allowance; that hundreds of the prisoners confined to said camp were thus exploited under this elaborate system of slavery and peonage maintained at said Center, all in violation of the provisions of the 13th and 5th Amendments of the Constitution.

(j) On December 17, 1944, effective as at January 2, 1945, General H. Pratt, Major General, U.S.A., in command of the Western Defense Command and Fourth Army, promulgated Public Proclamation No. 21 which revoked the 108 mass "civilian exclusion orders" theretofore issued by Lt. General John L. DeWitt, his predecessor in said command, and revoked the restrictions theretofore placed upon plaintiffs and all persons of Japanese ancestry affected thereby and said proclamation was an executive judgment and based upon executive findings that none of the persons affected thereby, including the plaintiffs herein, was hostile or dangerous to the security of the United States of America;

On September 4, 1945, said General Pratt, as such military commander, promulgated Public Proclamation No. 24 which rescinded "all Individual Exclusion Orders in Effect" as of that date and removed all military prohibitions against the entry and presence of all persons affected thereby within the West Coast Exclusion Zone, and said proclama-

tion was an executive judgment and based upon executive findings that none of the persons against whom individual exclusion orders theretofore had issued, including any plaintiff herein if any such order prior thereto had issued against him or her, was hostile or dangerous to the security of the United States of America.

Wherefore, plaintiffs pray for the judgment and relief prayed for in the complaint to rescind renunciations herein.

Dated: February 23, 1945.

/s/ WAYNE M. COLLINS,

Attorney for Petitioners.

United States of America,  
State of California,  
County of Modoc—ss.

Harry Uchida, being first duly sworn, deposes and says: that he is one of the plaintiffs in the foregoing Supplement And Amendment To Complaint named; that he is detained at the Tule Lake Center, Newell, Modoc County, California; that he makes this affidavit and verification thereof on his own behalf as such a plaintiff and on behalf of each and all the plaintiffs therein, most of whom likewise are confined and detained at said Tule Lake Center by defendants, and each of whom has authorized him so to do, and because it is impracticable to have the same verified by each of them by reason of the said confinement and detention of each, their large number and the long period of time which would

be required and be consumed to have such done; that he personally knows the facts set forth in said supplement which apply equally to each and all of said plaintiffs; that he has read the foregoing supplement and knows the contents thereof; that the same is true of his own knowledge except as to the matters therein stated upon information or belief and as to such that he believes it to be true.

/s/ HARRY UCHIDA.

Subscribed and sworn to before me this 24th day of February, 1945.

[Seal] /s/ JOE J. THOMAS,  
Notary Public in and for the County of Modoc,  
State of California.

My Commission Expires Sept. 20, 1949.

EXHIBIT NO. 2

United States  
Department of the Interior  
Office of the Secretary  
Washington

Aug. 10, 1945

Aug. 6, 1945

Mr. Ernest Besig,  
Director, Northern California Branch,  
American Civil Liberties Union,  
216 Pine Street,  
San Francisco 4, California.

My dear Mr. Besig:

This is in further reply to your letters of July 6 and July 17 concerning detentions at Tule Lake for violation of the special project regulations pro-

hibiting Japanese nationalistic activities. We have completed our investigation and in this letter I shall report rather fully our findings and conclusions.

Basically there are, I believe, three points that concern you: (1) the need for and hence the reasonableness of the special project regulations, (2) the apparent lack of any limitations upon the discretion of the Project Director in enforcing the regulations, and (3) an apparent abuse of authority in imposing certain sentences involving minors. I should like to take up each of these points in turn.

1. When Tule Lake became a segregation center, WRA adopted a policy of permitting evacuees to operate Japanese language schools and engage in Japanese cultural activities, in recognition of the fact that many of the residents sincerely desired repatriation to Japan and that their children should be given an opportunity to become acquainted with Japanese culture. Unfortunately this policy was utilized as an entering wedge by a number of strongly pro-Japanese evacuees for the formation of virulently pro-Japanese nationalistic organizations. These evacuees were motivated chiefly by the desire to attain standing in the eyes of the Japanese government and obtain positions of leadership in the colony. To this end they instituted Japanese-type military drill, mass exercises, bugling, wearing of Japanese insignia, emperor worship ceremonials, pro-Japanese demonstrations, and other purely Japanese nationalistic activities designed not to serve any cultural purposes but to instill in the Tule

Lake people a fanatical devotion to the principles of the militarist regime in Japan. By preying on fear of Selective Service they induced parents to exert pressure on their children to join the organizations. In addition they resorted to intimidation, threats of violence and actual violence in coercing residents to join the organizations and participate in their demonstrations. It was primarily due to the pressures of these organizations that over 80 per cent of the citizens eligible to do so applied for renunciation of citizenship this past winter. When Department of Justice representatives arrived at Tule Lake to conduct hearings on applications, the organizations stepped up their demonstrations and their pressures on the applicants. Undoubtedly many of the applicants were in the grip of the emotional hysteria created by these organizations, or actually acting under fear of violence, in confirming their desire to renounce citizenship during the hearings. The general uniformity of the answers given indicated that the applicants were well coached. These facts are reflected in an increasing volume of cancellation requests from Tule Lake renunciants, who frankly state in many cases that they were acting under compulsion in renouncing their citizenship.

On January 19, 1945, Mr. John Burling, special representative of the Attorney General conducting renunciation hearings at Tule Lake, addressed a letter to the heads of the two principal organizations setting forth the position of the Department of Justice toward the activities of the organization.

A copy of that letter is enclosed (Exhibit I). In that letter Mr. Burling, speaking for the Attorney General, strongly condemned the activities of the organizations and stated that they must stop. Despite this letter, which was widely circulated in the center, the activities of the organizations did not abate. In order to maintain peace and order, protect the Tule Lake residents who were loyal to this country or who disagreed with the aims and objectives of the organizations, and to stop the subversive activities of these groups, two steps were taken. One was the transfer of the known alien leaders of the organizations (including persons who had renounced their citizenship) to internment camps. The other was the adoption of the special project regulations prohibiting the overt demonstrations which were fundamental to the organizations' programs.

As a result of these two steps the organizations have lost much of their prestige. Many evacuees who joined the organizations have notified WRA of their withdrawal from membership. Opposition to the organizations has come out of hiding. Nevertheless the influence of the organizations is still strong, and their activities continue. The Director of the War Relocation Authority believes enforcement of the special project regulations is still necessary in order to maintain law and order at Tule Lake and guarantee to the law-abiding residents the right to live in peace and free from fear of violence and recrimination for failure to assert ag-



gressive loyalty to Japanese war aims. In the light of the facts I am unable to disagree with his conclusion.

2. As you state, the special project regulations assign no definite penalty for the prohibited acts. These regulations were, however, issued under and subject to the provisions of WRA internal security regulations applicable to all centers (Exhibit II). These over-all regulations prescribe procedural safeguards with respect to arrests and prompt arraignment and hearing. The right of the accused to counsel is guaranteed and the Project Director is specifically responsible for seeing that a complete case is fairly presented. The maximum penalty that can be imposed by a Project Director for commission of any one offense is imprisonment for not more than three months. In addition, any evacuee may of course carry his case directly to the Director of the Authority if he believes that he has been unjustly dealt with, and during the course of center operations a number of evacuees have done so.

Our investigation has revealed no departure from these over-all regulations by the Project Director in the enforcement of the special project regulations. While the sentence imposed in a number of cases has exceeded 90 days, this has been because more than one offense was committed. We have found no instance in which the sentence imposed exceeded 90 days on any one count. Out of 454 persons apprehended for open violation of the special project regulations, 424 have been released without further

action, after lectures on their behavior. Eleven received sentences ranging from 90 to 270 days. The remainder received sentences of 90 to 360 days, with 60 to 250 days of the sentence suspended on condition that they not violate the regulations after release. It has been the general practice to carry out sentences of imprisonment only in cases where the violator is recalcitrant and states that he will continue to disregard the regulations if released. I believe that these facts reflect sane and considerate handling of this difficult problem.

3. Four recent cases of violation, including the two you mention in your letter of July 6, have involved persons under 18 years of age. Reports on these cases are enclosed (Exhibit III). Despite the youth of the offenders, the facts in the cases do not indicate in my judgment that the sentences imposed were unnecessarily harsh or that the cases could have been handled satisfactorily in some other manner.

None of the four youths involved in these cases has been classified as a detainee of the Western Defense Command or by the Department of Justice. So long as they wish to remain residents of the center they will be required under WRA regulations to serve their sentences. They are, however, free at any time to leave the center even if they are serving a sentence for violation of center regulations. The War Relocation Authority does not maintain that it has power to detain any person who is eligible to leave the center and wishes to do so,

even if he is being disciplined for violation of project regulations. Administrative Notice No. 207, which prescribes this policy, is enclosed (Exhibit IV). I should also point out that the Authority could legally expel any such person from a center, although as a matter of policy this power is exercised only in aggravated cases.

In summary, I am unable to conclude on the basis of our investigation that the special project regulations are unnecessary, that the WRA procedures for enforcement of the regulations are unreasonable, or that the Project Director at Tule Lake has exceeded his authority or been other than temperate under the circumstances in enforcing the regulations. I do not, of course, believe that my judgment should interfere with any action that the American Civil Liberties Union might deem appropriate under the circumstances. I should like to point out, however, that action such as you propose will doubtless be widely publicized. Enemies of the evacuees on the West Coast will undoubtedly play up the activities of the pro-Japanese organizations which will be the basis for the Government's defense. So far as the long run interests of persons of Japanese ancestry in this country are concerned, I think that the contemplated action would be a serious mistake.

Sincerely yours,

/s/ ABE FORTAS,

Under Secretary.

## EXHIBIT NO. 3

San Francisco, California.

February 8, 1946.

Hon. Tom C. Clark,  
Attorney General of the U. S.,  
Washington, D. C.

Hon. Ugo Carusi,  
Commissioner, U. S. Immigration & Naturalization  
Service,  
Philadelphia, Pennsylvania.

Hon. W. S. Cook, Acting Officer-in-Charge,  
Fort Lincoln Internment Camp,  
Bismarck, North Dakota.

Hon. Abner Schrieber, Assistant Officer-in-Charge,  
Sante Fe Internment Camp,  
Sante Fe, New Mexico.

Hon. Ivan Williams, Officer-in-Charge,  
Sante Fe Internment Camp,  
Sante Fe, New Mexico.

Gentlemen:

On January 20th and 21st, 1946, at Fort Lincoln Internment Camp, Bismarck, North Dakota, and on January 29th and 30th, 1946, at the Alien Internment Camp at Santa Fe, New Mexico, pursuant to the requests of the native-born Americans of Japanese ancestry whose names appear on the attached list of names and who are interned in the said internment camps and who had engaged me as their attorney, I appeared at the said camps accompanied by Theodore Tamba, Esquire, an attorney and my assistant, to confer with and advise them concern-

ing the legality of their threatened deportation to Japan by the Attorney General of the United States, their right to have their formal applications for renunciation of United States nationality set aside by court order and their nationality declared and their right to release from the restraint therefore, then and now unlawfully imposed upon them.

Upon my said clients assembling in meeting quarters provided for us by the officers or acting officers in charge of said camps at said times and places I was amazed to learn, by being then and there informed by said officers, that at conferences between an attorney and his clients the rights of interned clients to the assistance of counsel and their rights of privileged communications between them, guaranteed by historical constitutional, statutory and common law provisions, would neither be authorized, countenanced nor allowed and that I would be unable to confer with and advise my said clients unless there was present at all times during such conferences an officer, agent or censor employed by the governmental agency detaining my clients to sit in, spy upon, listen to, eavesdrop and censor what was, may or might have been said or done by us or any of us. I was forced, under the circumstances, to confer with my said clients and advise them as to their legal rights and remedies in the presence of and subject to the surveillance of such officers, agents and censors at said times and places. We were subjected to such mistreatment and viola-

tions of law at said times and places during my said conferences with my said clients albeit I then and there orally objected to and protested the said mistreatment and violations of law to said officers, agents and censors.

We charge that said such mistreatment, deprivations of constitutional, statutory and common law rights to counsel and the prevention of the free exercise of the right of privileged communications existing between an attorney and his clients were unauthorized violations of constitutional statutory and common law rights. We charge that the same constitute additional acts of duress, menace and undue influence exerted by the United States government, acting by and through its agents, servants and employees, under a fictitious color of claim of authority that heretofore resulted in the wrongful internment of my said clients and that accounts for the present restraint imposed upon them and the exaction from them of fictitious applications for renunciation of United States nationality. For the said reasons and upon said grounds, among others, orally stated by me to the officers in charge of said camps and the agents, servants and censors of the government at said times and places, I did and do now object thereto and protest the said violations of due process of law and the deprivations of said constitutional, statutory and common law rights.

Very truly yours,

.....  
WAYNE M. COLLINS.

Duplicate originals to:

Hon. Andrew Jordan, District Director, U. S. Immig. & Nat. Service, Dept. of Justice, Post Office Building, Chicago, Illinois.

Hon. Grover C. Wilmoth, District Director, U. S. Immig. & Nat. Service, Dept. of Justice, U. S. Court House, El Paso, Texas.

Hon. Frank J. Hennessy, U. S. Attorney, San Francisco, Calif.

Hon. United States Attorney, Fargo, North Dakota.

Hon. United States Attorney, Bismarck, North Dakota.

Hon. United States Attorney, Santa Fe, New Mexico.

Hon. United States Attorney, Albuquerque, New Mexico.

Hon. C. E. Rhett, Acting Head, War Div., Dept. of Justice, Washington, D. C.

Hon. Edward J. Ennis, as Director, Alien Enemy Control Unit, Department of Justice, Washington, D. C.

Hon. Clifton M. Monroe, Chief Surveillance Officer, Santa Fe Internment Camp, Santa Fe, New Mexico.

Hon. C. M. Uyematsu, Censor-Translator, Santa Fe Internment Camp, Santa Fe, New Mexico.

It is stipulated that the foregoing pleading supplementing and amending the complaint herein be filed herein as such pleading and that service thereof

be deemed to have been made on defendants this 4th day of March, 1946.

TOM C. CLARK,

Attorney General,

FRANK J. HENNESSY,

U. S. Attorney,

By /s/ R. B. McMILLAN,

Assistant U. S. Attorney,

Attorneys for Defendants.

The foregoing Supplement and Amendment to Complaint is hereby ordered filed as such pleading in the above-entitled action this 4th day of March, 1946.

/s/ A. F. ST. SURE,

U. S. District Judge.

[Endorsed]: Filed Mar. 4, 1946.

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[Title of District Court and Cause.]

STIPULATION AND ORDER RE PRO-  
DUCTION OF PETITIONERS

It Is Stipulated between the parties hereto that the plaintiffs in this suit who are not released from custody while in Northern California or elsewhere by order of the Attorney General of the United States and who shall be transferred, in custody, for the convenience of the Government, to an internment camp or place of restraint other than the Tule Lake Center, Newell, Modoc County, California,



whether the same be situated in Santa Fe, New Mexico, Crystal City, Texas, or elsewhere, will be produced before the above-entitled Court for hearing or trial purposes in the above-entitled suit, upon reasonable notice, by the United States Government, the Attorney General of the United States, or Ivan Williams as their agent.

Dated: March 14, 1946.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

TOM C. CLARK,  
Attorney General,  
FRANK J. HENNESSY,  
U. S. Attorney,  
Defendants.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

So Ordered: March 14, 1946.

/s/ A. F. ST. SURE,  
U. S. District Judge.

[Endorsed]: Filed Mar. 14, 1946.

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[Title of District Court and Cause.]

STIPULATION AND ORDER  
EXTENDING TIME

It Is Stipulated between the parties hereto that the time within which the defendants may file their responsive pleadings to the complaint and supple-

mental complaint herein be extended to and including the 15th day of April, 1946, and that the defendants may file a motion to strike Exhibit "2" from the Supplement and Amendment to Complaint to Rescind Renunciations of Nationality herein, if such they be inclined to file, on or by the 8th day of April, 1946.

Dated: March 14, 1946.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

TOM C. CLARK,  
Attorney General,  
FRANK J. HENNESSY,  
U. S. Attorney,  
Defendants.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

So Ordered: March 14th, 1946.

.....  
U. S. District Judge.

[Endorsed]: Filed Mar. 14, 1946.

In the District Court of the United States for the  
Northern District of California, Southern Division

Civil No. 25294

Cons. No. 25294-S

TADAYASU ABO, et al.,

Plaintiffs,

vs.

TOM C. CLARK, Attorney General, et al.,

Defendants.

### MOTION TO STRIKE

Defendants move to strike from the Complaint and Amendment and Supplement thereto filed herein certain redundant, immaterial and impertinent matter identified below, pursuant to Rule 8(e) and 12(f) of the Federal Rules of Procedure:

#### I.

Exhibit 1 to the Complaint as originally filed and Exhibits 2 and 3 to the "Supplement and Amendment to Complaint \* \* \*" herein, comprise evidentiary matter; are impertinent, immaterial and redundant; and, as a result of their inclusion in it, the allegations of the complaint are not simple, concise, and direct as required by the Federal Rules. For these reasons, the three exhibits described, and all references to or discussions of them, should be stricken from the pleadings.

## II.

Paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) of the "Supplement and Amendment to Complaint \* \* \*" contain allegations evidentiary in character; they and each of them contain matter which is impertinent, immaterial and redundant; and as a result of their inclusion in it the allegations of the complaint are not simple, concise and direct as required by the Federal Rules. For these reasons, all the said paragraphs should be stricken from the pleadings.

## III.

Paragraph III, IV, V, VI, VII, and VIII of the First Cause of Action in the Complaint as originally filed contain allegations evidentiary in nature; they, and each of them, contain matter which is impertinent, immaterial and redundant; and as a result of their inclusion in it the allegations of the Complaint are not simple, concise, and direct as required by the Federal Rules. For these reasons, all of the said paragraphs should be stricken from the pleadings.

## IV.

Paragraphs I and II of the Second Cause of Action in the Complaint as originally filed incorporate and contain, respectively, allegations evidentiary in nature, and matter which is impertinent, immaterial and redundant. As a result of their inclusion in it, the allegations of the Complaint are not simple, concise and direct as required by the

Federal Rules. For these reasons, the said paragraphs should be stricken from the pleadings.

V.

By reason of the fact that the objectionable matter referred to in paragraphs I through IV herein is inextricably confused and intermingled with the allegations of essential fact in the Complaint and Supplement and Amendment thereto, the Complaint as originally filed and the Supplement and Amendment thereto are themselves rendered impertinent, immaterial and redundant and fail to meet the standard required by the Federal Rules: that they be simple, concise, and direct. For these reasons, the Complaint as originally filed and the Supplement and Amendment thereto should be, and defendants move that they be, stricken.

Respectfully submitted,

/s/ FRANK J. HENNESSY,

United States Attorney,

Attorney for Defendants.

Due service and receipt of copy of the foregoing Motion hereby admitted this 15th day of April, 1946.

/s/ WAYNE M. COLLINS,

Attorney for Plaintiffs.

[Endorsed]: Filed April 15, 1946.

[Title of District Court and Cause.]

ORDER

Defendants' motion to strike

(1) Exhibit 1 attached to the original complaint and exhibits 2 and 3 attached to the supplement and amendment to complaint,

(2) Paragraphs (c), (d), (e), (f), (g), (h), (i) and (j) of the supplement and amendment to complaint and paragraphs III, IV, V, VI, VII, and VIII of the first cause of action in the original complaint is granted.

(3) Defendants' motion to dismiss the original complaint and the supplement and amendment thereto is granted with 20 days within which to amend.

Dated: July 10, 1946.

/s/ A. F. ST. SURE,

U. S. District Judge.

[Endorsed]: Filed July 11, 1946.

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[Title of District Court and Cause.]

AMENDED COMPLAINT TO RESCIND RENUNCIATIONS OF NATIONALITY, TO DECLARE NATIONALITY, FOR DECLARATORY JUDGMENT AND FOR INJUNCTION

Comes each of the plaintiffs above named complaining of the defendants above named and for cause of action alleges:

I.

This suit arises under the laws and the constitution of the United States and particularly under the provisions of the 14th Amendment of the Constitution and the provisions of Title 8 USCA, sec. 601(a), and Title 8 USCA, sec. 903, and Title 28 USCA, sec. 400, and this court has original jurisdiction to entertain the suit by virtue of the provisions of Title 28 USCA, sec. 41(1), Title 8 USCA, sec. 903, and Title 28 USCA, sec. 400. The matter in controversy, exclusive of interest and costs, exceeds the sum of Three Thousand Dollars as to each plaintiff.

II.

At all times herein mentioned the following named defendants were and now are the duly appointed, qualified and acting United States Government officers, as follows, to-wit: Tom Clark, the Attorney General of the United States; Frank J. Hennessy, the United States Attorney for the Northern District of California and as such the head of the U. S. Department of Justice in said District; James F. Byrnes, the Secretary of State; John Snyder, the Secretary of the Treasury; Ugo Carusi, the Commissioner of Immigration of the U. S. Immigration and Naturalization Service; Irving F. Wixon, the District Director of and head of the U. S. Immigration and Naturalization Service, Department of Justice, for the Northern District of California; James E. Markham, the Alien Property Custodian; Julius A. Krug, the Secretary

of the Interior; Dillon S. Myer, the Director of the War Relocation Authority; Raymond R. Best, the Project Director of the Tule Lake Center; and Ivan Williams, the Officer-in-Charge of the Tule Lake Center, Newell, Modoc County, California, for the U. S. Department of Justice, Immigration and Naturalization Service.

### III.

Each plaintiff is a person of Japanese ancestry and at all times herein mentioned has been and is domiciled in the United States and has been and is a resident of the northern district of California therein; each is a native-born American citizen and national of the United States and subject to the jurisdiction thereof; each is and ever since his or her birth in this country has been and now is loyal and devoted to this country; none of them at any time whatever has been and none is an alien enemy, an alien, or a native, citizen, denizen or subject of Japan or of any hostile or foreign nation, government or country; none at any time has been and none is a danger to the public peace or safety and none at any time has been accorded any hearing by the Government upon any charge or accusation that he or she was or is such a danger and, on the contrary, on December 17, 1944, effective as at January 2, 1945, Major General H. Pratt, U.S.A., the military commander in command of the Western Defense Command and Fourth Army, promulgated Public Proclamation No. 21 which revoked the 108 mass "civilian exclusion orders" thereto issued by Lt. General John L. DeWitt, his



predecessor in said command, and revoked the restrictions theretofore placed upon each plaintiff and all persons of Japanese ancestry affected thereby; and on September 4, 1945, said General Pratt, as such military commander, promulgated Public Proclamation No. 24 which rescinded "all Individual Exclusion Orders in Effect" as of that date and removed all military prohibitions against the entry and presence of plaintiffs and of all other persons affected thereby within the West Coast Exclusion Zone; and each of said public proclamations was an official executive finding, judgment and decision that none of the persons affected thereby, including each plaintiff herein, was hostile or dangerous to the security of the United States of America.

#### IV.

Each plaintiff, contrary to his or her will and desire, and in violation of the due process of law guaranteed by the 5th Amendment, is unlawfully and unconstitutionally interned and restrained of his or her liberty for the purpose of deportation to Japan by the defendant Ivan Williams as the Officer in Charge, United States Department of Justice, Immigration and Naturalization Service, at the Tule Lake Center, situated within the jurisdiction of this Court, at Newell, Modoc County, California, said defendant acting under the order or orders of the Attorney General of the United States; and each now is interned by the defendants and has been and is scheduled for summary removal to Japan, as aforesaid, without prior notice of such removal

having been given each of them by the Attorney General, and each is informed and believes and therefore alleges that said defendants, acting under the orders of said Attorney General and under a claim of color of authority of the Alien Enemy Act, Title 50 USCA, sec. 21, and presidential Proclamation No. 2625, asserts that each, by a purported renunciation of United States nationality in 1945, became an alien enemy and subjected to such internment and removal.

#### V.

Solely because of his or her Japanese lineage, and unlawfully and in violation of his or her rights, liberties, privileges and immunities guaranteed him or her as a citizen of the United States and as a person subject to its jurisdiction by the 4th, 5th, 6th, 8th, 9th, 13th and 14th Amendments of the Constitution, each plaintiff, by the Government, pursuant to proclamations, commands and orders of General John L. DeWitt, once Commander of the Western Defense Command and Fourth Army, during the year 1942, first was imprisoned in the immediate vicinity of his or her then home situated within the geographical area embraced by the Western Defense Command; then was excluded therefrom and was driven into and imprisoned in a stockade called an Assembly Center; then was transported to and was confined for approximately two years in a concentration camp called a War Relocation Center and thereafter was imprisoned in the Tule Lake Center, Newell, Modoc County, California, said imprison-

ment having been continuous from 1942 to date, in barbed wire enclosures patrolled by armed guards while the Government trained guns upon the internees, all without a charge of crime or accusation of crime having been lodged against any of them and without any hearing having been given them by the Government on the reasons for such treatment; and the Government thereby falsely branded them as disloyal and wrongfully attempted to repudiate them as citizens; and during the early part of 1945, at and while so interned in said Tule Lake Center, each of the plaintiffs, many of whom are infants and a few of whom then were and now are mental incompetents, by reason of said mistreatment signed an application for renunciation of United States nationality, as provided for by Title 8 USCA, sec. 801(i), and Sections 316.1 to 316.9, inclusive, of the Nationality Regulations; none of said applications has been approved by the Attorney General of the United States, and he has not issued an order approving any of them, as is required by Title 8, USCA, sec. 801(i) and Rule 316.7 of the Nationality Regulations, before such becomes effective, and each of said purported renunciations is void and invalid for said reason.

## VI.

In the early part of 1945 a hearing was accorded each plaintiff upon such application for renunciation before a hearing officer designated by the then Attorney General of the United States; said hearing was wanting in each and all of the elements of a

fair and impartial hearing, and in the incidents thereof, guaranteed by the 6th Amendment, and deprived each plaintiff of the due process of law guaranteed each by the 5th Amendment in that each plaintiff, by said officer, then and there was deprived of the benefits of independent advice and of the assistance of counsel in and about said hearing, was denied the right to be confronted by any evidence and to examine witnesses against him or her or to produce witnesses in his or her behalf, albeit none of the plaintiffs waived his or her rights thereto, and in that the hearing officer's recommendation to approve each application was made, as was based all subsequent action taken thereon, upon secret information and data which was considered and given controlling weight by the hearing officer but which was withheld, concealed and kept secret from each plaintiff, as provided by the provisions of Section 316.6 of the said Nationality Regulations; and at that time and at all times herein mentioned said Center was patrolled by armed guards and the Government trained guns upon said Center and upon the internees there confined;

The signing of said applications and the hearing held thereon, as aforesaid, was designed by the Government of the United States to cause and result in the detention and deportation of each signer to Japan and of the removal of members of his or her family to Japan and, consequently, to result in their continued detention for an indefinite period of time which was to be followed by a mass banishment of

persons of Japanese descent from the United States, which design and purpose at all times heretofore was withheld and kept secret from the plaintiffs.

## VII.

The defendants, and each of them, at all times herein mentioned have detained and now detain plaintiffs, as aforesaid, and have treated and do still treat them as alien enemies, as aforesaid, and have threatened and do still threaten to continue to hold them, and each of them in duress, as aforesaid, and summarily to remove each of them involuntarily and against their will and desire and without their consent from the United States to Japan and the defendants and each of them will continue to detain plaintiffs in said duress and to remove them to Japan, as aforesaid, unless restrained and enjoined from so doing by order of this Court.

## VIII.

The said provisions of Title 8 USCA, sec. 801(i), and Sections 316.1 to 316.9, inclusive, of the said Nationality Regulations, and each of said provisions, and each of the aforesaid applications for renunciation executed thereunder and the aforesaid purported renunciations of U. S. nationality by each plaintiff, and the provisions of Title 50 USCA, sec. 21 and 22, are, and each of them is, unconstitutional, void and invalid on its face and also as applied to each plaintiff for each of the following reasons. to-wit. (1) for invading the right of each to be secure in his person, house, papers, and effects

against unreasonable searches and seizures guaranteed by the 4th Amendment; (2) for depriving each of his liberty and property without due process of law guaranteed by the 5th Amendment; (3) for holding each for an unspecified "infamous crime" without a presentment or indictment of a grand jury in violation of the 5th Amendment; (4) for depriving each of his right to a speedy, public, fair and impartial trial and its incidents guaranteed by the 6th Amendment; (5) for inflicting on each a cruel and unusual punishment in violation of the 8th Amendment; (6) for denying and disparaging rights vested in each and retained by the people, in violation of the 9th Amendment; (7) for subjecting each to slavery and involuntary servitude for punishment not for crime upon which convicted but because of type of lineage, in violation of the 13th Amendment; (8) for depriving each of United States citizenship and State citizenship conferred upon each by reason of his birth in the United States by the 14th Amendment, in violations of the 5th and 14th Amendments; (9) for denying and abridging the right of each as a citizen to vote on account of his or her race, color or previous condition of servitude, in violation of the 15th Amendment; (10) for being repugnant to the provisions of Sec. 9 of Art. 1 of the Constitution prohibiting bills of attainder and ex post facto laws; (11) for being contrary to the common defense and general welfare clauses of Sec. 8 of Art. 1 of the Constitution; (12) for being uncertain and for containing an unconstitutional delegation of legislative

power to the Attorney General, in violation of the provisions of Sec. 1 of Art. I of the Constitution; (13) for containing an unconstitutional delegation of judicial power to the Attorney General, in violation of the provisions of Sec. 1 of Art. III of the Constitution; (14) for being contrary to the provisions of Sec. 3 of Art. III of the Constitution defining treason as consisting of levying war against the United States, or in adhering to their enemies, giving them aid and comfort, and forbidding the same; (15) for being contrary to the provisions of Sec. 3 of Art. III of the Constitution prohibiting the working of corruption of the blood or forfeiture for the constructive treason of the remote ancestors of each; (16) for being contrary to the provisions of Subdivision 2 of Art. VI of the Constitution making the Constitution and the 14th Amendment conferring and safeguarding citizenship by birth on each the supreme law of the land; (17) and for depriving each plaintiff of each and all of his aforesaid rights, liberties, privileges, immunities and his implied rights of national and State citizenship as a citizen of the United States and as a person subject to its jurisdiction in violation of the due process clause of the 5th Amendment; and the aforesaid imprisonment, internment, duress in which each plaintiff has been and is held by the Government, as aforesaid, are, and each of said things is unconstitutional, void and invalid for each and all of the aforesaid reasons.

As and for a Second and Separate Cause of Action,

## Plaintiffs Allege:

## I.

Plaintiffs incorporate herein paragraphs I to VII, inclusive, of their first Cause of Action herein as if fully set forth in this cause of action.

## II.

The signing of the renunciation application by each plaintiff was neither under oath nor real nor free nor voluntary but was caused by and was the result of the duress in which each then and there was held by the U. S. Government and the concurrent duress, menace, coercion, fraud, undue influence and intimidation under which each then and there was held and subjected to by the groups and individuals, as hereinafter set forth.

## III.

Commencing with their unlawful imprisonment in the vicinity of their homes, as aforesaid, and continuously since then to date, the United States Government, acting by and through the War Relocation Authority, a federal agency, and its agents, servants and employees, and defendants, as the jailor, custodian and guardian of plaintiffs, its wards, in violation of the due process of law guaranteed each plaintiff by the 5th Amendment and in violation of the provisions guaranteed each of them by the 4th, 5th, 6th, 8th, 9th, 13th and 14th Amendments, has unlawfully discriminated against the plaintiffs and each of them and has unlawfully imprisoned them and members of their immediate



families and fraudulently has made and rendered and renders said imprisonment unjustly and unnecessarily prolonged, harassing and oppressive in the following respects, among others, to-wit:—

(a) Shortly following their evacuation, as aforesaid, it demanded of each evacuee a false admission of prior allegiance to Japan and, upon the refusal of any to make such an admission, it incarcerated such person in said Tule Lake Center where it destined such person for detention for an indefinite period of time and for final deportation to Japan; ever since the early part of 1942, it has falsely branded each plaintiff as disloyal and hostile to the United States and has and does wrongfully attempt to repudiate them as citizens simply because of their Japanese ancestry, and said mistreatment engendered hostility to them throughout the nation and created in them a belief and great fear of being relocated in this country where their lives and well-being would be endangered by reason of the existence of said hostility to them; it has continuously deprived plaintiffs and each of them of all of their rights of national and state citizenship; it has failed and refused to accord them or any of them a hearing on the reasons for said imprisonment and treatment; it has regarded, classed and treated each and all of them as being disloyal and as being alien enemies, in 1942 classifying all of them who were eligible for military service as "4-C" under the Selective Training and Service Act of 1940, including those among them who were honorably discharged vet-

erans of this war and those who were and are in the enlisted reserve; in 1942 it denied all of them the right to perform military service for this nation as well as to do work of national importance, exacted their fingerprints from them, photographed them for identification purposes as though they were alien enemies and, by reason of said mistreatment, led them to believe and fear they would be deported to Japan and that if they did not first relinquish U. S. nationality they would, upon arrival in Japan, be mistreated as being persons hostile to Japan; and

(b) At said Tule Lake Center from on or about October 1, 1945, to on or about March 20, 1946, on at least twenty (20) occasions, the said War Relocation Authority interfered with the confidential privileged communication relationship existing between plaintiffs and their counsel herein and denied them their right to counsel by making and publishing recordings of long distance telephone conversations had between plaintiffs in said Center and their counsel in San Francisco; prior to the time of the afore-said renunciation hearings the U. S. Government, through the War Relocation Authority, set up within the limits of said Center, and thereafter until November, 1945, continuously maintained a special jail termed "The Stockade" wherein it incarcerated innocent citizens detained in said Center, without accusation of crime or wrongdoing on their part and without hearings on the cause therefor at any time having been afforded them and without allowing them the assistance of counsel and there held

hundreds of them incommunicado for various periods of time ranging from a few hours to 360 days, all without cause; that said practices were designed to instil and they did instil in the plaintiffs and prisoner-evacuees confined to said Center a great fear of the governmental power wielded over them and said practices were parts and phases of the duress in which the Government held the plaintiffs and all residents of said Center; and

(c) As part of the Government's systematic program of duress in which it held the plaintiffs and all residents in said Center the said War Relocation Authority, in violation of the 13th Amendment, established and maintained for the past four years a slavery and peonage system at said Center, in manner as follows, to-wit:—it organized therein a club known as the "Recreation Club" for the private and personal benefit of the Caucasian employees of said War Relocation Authority to whom membership therein was restricted and through such an instrumentality deliberately exploited hundreds of persons of Japanese ancestry confined to its charge; each member thereof paid to said Club the sum of \$30.00 per month for which the said Club hired out to such member an internee to serve such member in private employment and paid such internee therefor either the sum of \$16.00 or \$19.00 per month, depending upon the character of the service, for labor performed on a forty (40) hour week basis, the remainder of the \$30.00 being retained by said Club with the exception of \$3.75 which the War

Relocation Authority required the Club to pay such slave as a clothing allowance; and said practice was designed to instil and did instil in the plaintiffs and internees there confined a great fear of the governmental power exercised over them and was a part and phase of the aforesaid duress in which they were held; and

(d) Following the commencement of this proceeding, during January and February, 1946, the Attorney General of the United States summarily ordered such plaintiff and renunciant to show cause why they should not be deported by him to Japan and each of them was subjected to such a purported hearing or examination conducted by hearing officers appointed by him; each requested of such hearing officer the right and opportunity to the assistance of counsel and the right to be represented by counsel thereat but each, by him, was denied said rights and was denied reasonable time and opportunity to prepare therefore and to obtain witnesses and evidence in his or her behalf; neither plaintiffs nor witnesses were sworn; the hearings were unduly brief; no adverse evidence was offered against any of them and none was adduced showing or tending to show that any of them was an alien enemy or hostile or dangerous to the security of this country; at said hearings, as also on the review by the Attorney General of the recommendations made by such hearing officers following the conclusion of such examinations, said officers and the Attorney General, in refusing to recommend the now detained

plaintiffs for release from detention and to release them, considered and gave controlling weight to information contained in files and dossiers maintained by said officer, the nature and contents of which were kept secret from plaintiffs, and based such recommendations and refusals upon such secret information and upon mere whim and caprice; said hearings were arbitrary, unreasonable and oppressive in character and were wholly unfair for said reasons and deprived each of them of the due process of law guaranteed each of them by the 5th Amendment and constitute a part and phase of the duress in which each plaintiff has been and is detained by the Government; and

(e) Ever since the conclusion of said hearings the Attorney General, over the protests of plaintiffs and their counsel, and in violation of the provisions of the 4th Amendment and the due process of law guaranteed by the 5th Amendment, has denied and denies plaintiffs their right to counsel and their right of confidential privileged communications by subjecting plaintiffs' mail to their counsel and their counsel's letters to them, to censorship, and by posting censors and eavesdroppers to attend and listen to the consultations and conferences plaintiffs have held with their counsel in connection with this proceeding, and said interference with and denial of said rights is a part and phase of the duress in which the Government has held and holds plaintiffs; and

(f) While holding the plaintiffs in duress, as

aforesaid, the Government, through its agents, servants and employees and the War Relocation Authority, further rendered said imprisonment unjustly and unnecessarily harassing and oppressive by fostering, sponsoring and allowing terroristic groups to operate in said Center and to subject the plaintiffs to the duress, menace, fraud, undue influence, coercion and intimidation practiced upon them by said groups which concurrently caused the said renunciations, as hereinafter alleged;

(g) Since the commencement of this proceeding, the Government has made it a practice to permit aliens to leave said Center and return to their former homes in this country while it holds their children who have signed renunciation applications for involuntary removal to Japan and compels the relocated members of their families, including veterans of this war, to the choice of an involuntary exile from the United States to Japan to accompany them to preserve their family unity or to remain here separated from them;

(h) Neither the Government nor any of its agents, servants or employees has subjected any similarly situated U. S. citizens of other ancestry or extraction to the aforesaid duress or any duress.

#### IV.

By reason whereof the plaintiffs were led by the Government, to believe and fear and they did believe and fear and had good cause to believe and fear that the Government of the United States classed, treated and viewed them as alien enemies

and that it had repudiated their citizenship and that it desired and intended to deprive and had deprived them of citizenship and of their right to defend this country and that it intended to imprison them for an indefinite period of time and finally to remove and banish them and their families and all like descended persons from the United States to Japan, and that the signing of renunciation applications was a matter commanded by the Government, compliance with which was prerequisite to their right and that of their families to remain united and in the protective security of said Center pending such banishment, and that relinquishment of U. S. nationality by them was necessary to save them from mistreatment in Japan following such banishment, and that it was necessary to save themselves and their families from physical harm and violence which was reigning in civilian communities hostile to persons of Japanese ancestry and which would have been unleashed against them were they or any of them to be restored to civilian life in this country while the war was raging; and

By reasons of said governmental duress, concurrently with the duress, fraud, menace, coercion, undue influence and intimidation practiced upon each plaintiff and members of his or her family by organized terroristic groups, as hereinafter set forth, each plaintiff was kept in a constant state of fear, fright, mass hysteria and terror and was deprived of freedom of will and choice in and about the signing of his or her said application for re-

nunciation and was compelled by the Government against his or her will and desire and without his or her consent to sign a fictitious renunciation of citizenship, as aforesaid.

## V.

In the latter part of 1944, at said Center, the War Relocation Authority, a federal executive agency to the charge of which all the evacuees in said Center, including each plaintiff herein, were committed, adopted a policy of permitting and permitted organized groups of internees at said Center to operate Japanese language schools and to engage in and promote Japanese cultural activities therein and, pursuant to said policy, sponsored and fostered said educational and cultural movement; said groups so sponsored and fostered, then and thereafter, until all the renunciation applications herein mentioned had been executed, continuously operated therein with the full knowledge and consent of said agency and under the eyes and surveillance of its officers, agents and employees; said movement developed into an innocuous appearing "innocents front" organization which thereafter, by its organizers and leaders, all of whom were fanatical aliens of Japanese nativity, was converted into a pro-Japanese nationalistic movement; at the time of said renunciation hearings it had developed into and was an active terroristic movement; said groups had as their object and purpose the compelling of each plaintiff and internee in said Center to renounce



U. S. nationality and to be removed to Japan; the real nature, purposes and bent of said movement was concealed from the plaintiffs and its inactive members who had joined it when it appeared to them to be simple educational and cultural movement, as aforesaid, and when its true nature and purpose were not discernible; when the true nature and purposes thereof became apparent many members thereof did not dare to protest the course thereof or openly to resign therefrom because of the coercion of said groups and for fear their own personal security and the security of members of their families thereby would be endangered, and many persons confined to said Center, including a number of the plaintiffs herein, were compelled to join the same as nominal inactive members for like security reasons.

## VI.

Said groups engaged in a generalized campaign of lawlessness and terror in said Center prior to and during the time of said renunciation hearings and thereafter and, during said period of time, maintained a veritable rule and reign of terror over plaintiffs, their families and internees residing in said Center and, to accomplish their aforesaid object and purpose, among other things, they preached and practiced sedition; they engaged in engendering, developing and promoting loyalty to the cause of Japan, which cause they notoriously espoused, by initiating Japanese-type military drill, riots, mass exercises, bugling, wearing Japanese insignia, em-

peror worship ceremonials and other purely Japanese nationalistic activities designed to instil in the internees a devotion to the militaristic regime in Japan; they endeavored by word and action, to proselyte to the cause of the enemy the plaintiffs, their families and other loyal internees there residing; they threatend the plaintiffs and internees that if any of them talked to, communicated with or associated with any of the Caucasians in and about said Center those so doing would be assaulted by gangsters and hoodlums commanded by them; they maintained an elaborate system of black-listing and espionage over the plaintiffs and internees in said Center; they threatened plaintiffs that they and their families were classed, treated and regarded by the United States Government as alien enemies and that it had scheduled them and their families for deportation to Japan and that upon arrival in Japan they would be treated as being persons hostile to Japan unless they first had relinquished U. S. nationality; they threatened the plaintiffs, as did governmental announcements publicly made just prior to the time said hearings were held in 1945, that the deportation of each plaintiff and that of alien members of his or her family, on an exchange ship, was imminent and impending and that each would be deported in any event, and that if he or she failed to sign an application for renunciation the security of each and that of members of his or her family, upon arrival in Japan, would be endangered because the leaders of said groups would report them to

the Japanese government as being dangerous alien enemies to Japan and as being American spies and that they there would be seized and punished as such; they threatened them that if any of them succeeded in being relocated in civil walks of life in this country their lives would be placed in jeopardy because of the community prejudice and hostility there reigning against them because of their type of ancestry and informed them that there had been innumerable acts of physical violence perpetrated against persons of like ancestry who had been relocated in civilian communities where hostility to persons of Japanese ancestry was rampant; they sent in spurious letters to the Department of Justice requesting renunciation applications be forwarded to internees whose names they signed to such requests and then informed the receivers of such forms that the government required their renunciations; they maintained and operated schools in said Center to coach and did coach the plaintiff victims of their deceit and coercion into giving false answers to the questions the hearing officers were to propound to them at the renunciation hearings; by threats and by preying on fear of the circumstances in which all internees were held they induced parents to exert pressure on their interned children to join the groups to participate in their demonstrations and to execute renunciation applications; they threatened, coerced and intimidated plaintiffs and all other renunciants into signing such renunciation applications by each and all of the aforesaid means

and by means of threats, displays, exhibitions and overt demonstrations of force and violence and by assaults on internees and by threats against their lives and by threats of inflicting great physical injury upon them and members of their families in the event he or she failed to obey their mandates to sign such renunciation applications.

## VII.

The United States Government, by and through the Secretary of the Interior as the head of the War Relocation Authority to whose charge plaintiffs and all internees in said Tule Lake Center were committed by the Chief Executive at the time of said renunciations, through the Hon. Abe Fortas, as the Under Secretary of the Interior, on or about August 5, 1945, proclaimed, made and published in the regular course of his official duties, concerning facts of which he had official cognizance, an official executive finding of fact, judgment, decision and report in writing, that it was primarily due to the duress, fraud, menace, coercion, undue influence and intimidation practiced upon each plaintiff and all renunciants in said Center by the aforesaid groups that caused the renunciation applications to be signed by each of the plaintiffs and all other renunciants therein; and to supply substantial allegations of fact essential to this cause of action each plaintiff alleges that said official executive finding of fact, judgment, decision and report is as follows:

“When Tule Lake became a segregation center,

WRA adopted a policy of permitting evacuees to operate Japanese language schools and engage in Japanese cultural activities, in recognition of the fact that many of the residents sincerely desired repatriation to Japan and that children should be given an opportunity to become acquainted with Japanese culture. Unfortunately this policy was utilized as an entering wedge by a number of strongly pro-Japanese evacuees for the formation of virulently pro-Japanese nationalistic organizations. These evacuees were motivated chiefly by the desire to attain standing in the eyes of the Japanese government and obtain positions of leadership in the colony. To this end they instituted Japanese-type military drill, mass exercise, bugling, wearing of Japanese insignia, emperor worship ceremonials, pro-Japanese demonstrations, and other purely Japanese nationalistic activities designed not to serve any cultural purposes but to instil in the Tule Lake people a fanatical devotion to the principles of the militaristic regime in Japan. By preying on fear of Selective Service they induced parents to exert pressure on their children to join the organizations. In addition they resorted to intimidation, threats of violence and actual violence in coercing residents to join the organizations and participate in their demonstrations. It was primarily due to the pressure of these organizations that over 80 per cent of the citizens eligible to do so applied for renunciation of citizenship this past winter. When Department of Justice representatives arrived at Tule

Lake to conduct hearings on applications, the organizations stepped up their demonstrations and their pressures on the applicants.”

### VIII.

By reason of said rule of terror reigning over them and the duress in which each was held each plaintiff believed in and feared said threats of said terroristic groups would be carried into execution against him or her and members of their families and that he or she and his or her family would be exposed to physical violence and probable loss of life if he or she failed to heed said threats and to obey the mandates of said pressure groups and thereby was compelled to sign and did sign said renunciation application against his or her will and desire and without his or her consent.

### IX.

At all times during said rule of terror imposed upon the plaintiffs and internees in said Center the United States Government, and its agents, servants and employees in charge of said Center, were aware of and knew of the purposes and activities of said pressure groups and of the duress, menace, fraud, coercion, undue influence and intimidation said groups practiced upon and against plaintiffs, members of their families and other internees there confined, but condoned the same and was responsible for, and actually aided and abetted the same and was accessory thereto by virtue of the facts of having sponsored and fostered the activities of the

aforesaid groups, by failing to prevent and to stop the same, by failing to arrest and prosecute the leaders and active members thereof, by failing to isolate and segregate such criminal elements from the plaintiffs and other loyal internees, by failing to take precautionary measures to prevent such rule of terror, and by failing to protect plaintiffs against said lawlessness and from harm from said sources, and to safeguard their rights as American citizens.

After the aforesaid renunciation hearings had been concluded the U. S. Government seized all the organizers, leaders and active members of the aforesaid pressure groups and forcibly transported them to other internment camps from whence all of them thereafter, since the filing of this proceeding, were voluntarily repatriated to Japan by the Government; the duress, menace, fraud, coercion and undue influence to which said groups subjected plaintiffs did not abate until the last of said groups had been transported, as aforesaid, and did not cease until the last of said group had been repatriated to Japan.

### X.

A total of 5,371 native born American citizens of 18 years and upward, included in which number is each of the plaintiffs, executed applications for renunciation of United States nationality at said Center; each of them did so as the direct and proximate result of any by virtue of the duress in which they then and there and for a long period of time prior thereto had been held by the U. S. Government, as aforesaid, and by virtue of the concurrent duress,

menace, fraud, undue influence and coercion of the aforesaid terroristic pressure groups operating therein, as aforesaid, and against which the United States Government, its agents, servants and employees, and particularly the said War Relocation Authority, gave the plaintiffs and said renunciants no protection, as hereinabove alleged.

### XI.

That none of said renunciations was real, free or voluntary on the part of any of the plaintiffs, but each was caused by and was the proximate result of fear, fright, torment and terror induced in each plaintiff's mind by virtue of the duress, menace, fraud and undue influence to which each was subjected by the groups and individuals, and the duress in which each was held by the Government, as aforesaid, all of which operated to deprive and did deprive each plaintiff of freedom of choice, will and desire in and about the signing of such application for renunciation, and each of said renunciations was and is false, fictitious, null and void by reason thereof.

### XII.

Prior to the time of the filing of this complaint each plaintiff, twice in writing, notified the Attorney General of the United States, his agents and representatives, and the defendants of the aforesaid duress which caused him or her to sign such renunciation application and that he or she rescinded, revoked and cancelled his or her said application for renunciation and purported renunciation of United



States nationality for the reasons that the same was signed under duress, menace, fraud, coercion, undue influence and mistakes of fact and of law, as aforesaid, and informed him and them of the grounds and reasons on which said rescission and revocation was based and made but said Attorney General failed and still does fail to accept said rescission and revocation; in each of said notifications each plaintiff demanded of him and them, that he or she be discharged from said internment, detention and unlawful restraint upon his or her liberty, but the Attorney General of the United States, his agents and representatives, and the defendants failed and refused and do still fail and refuse to release each and all of said plaintiffs from said internment, duress, restraint and threatened deportation to Japan.

### XIII.

The written orders, records and documents pertaining to each of the plaintiffs in connection with the matters and things set forth in this complaint are in the exclusive possession, custody and control of the defendants and the Department of Justice; neither the plaintiffs nor any of them know the nature or contents thereof and none of them has had and none now has access thereto and the same never have been made available to plaintiffs or any of them or to their counsel and the same are now withheld from each of them and their counsel by the defendants and said Department of Justice.

As and for a Third and Separate Cause of Action, Plaintiffs Above Named as Minors Allege:

## I.

Plaintiffs incorporate herein paragraphs I, II, III, V and VI of their first cause of action herein, and paragraph XII of their second cause of action herein as if fully set forth in this cause of action.

## II.

That each of the plaintiffs named in this cause of action was either under the age of twenty-one (21) years at the time of signing of said renunciation applications, or a mental incompetent at said time, said plaintiffs including the minors and mental incompetent plaintiffs appearing herein by next of friend and guardian ad litem and including many other plaintiffs who then were minors who since said time have attained their majority; and by reason of the said incapacity of said plaintiffs at the time of signing said renunciation applications and also by reason of the aforesaid rescissions and disaffirmances by them and each of them said alleged renunciations are of no legal effect whatsoever and said plaintiffs are still citizens and nationals of the United States and are not subject to the aforesaid internment, detention, duress and deportation to any foreign country.

Wherefore, the plaintiffs, and each of them, pray for a temporary restraining order and for an injunction pendente lite and for a permanent injunction prohibiting defendants, and each of them, their agents, servants, employees and representatives, and each of them, from removing or deporting plaintiffs or any of them from the United States to Japan

or to any foreign country, or from taking any steps in furtherance thereof, pending the final judgment in this suit; that his or her said application for renunciation of United States nationality be ordered to be delivered up and cancelled and be declared null, void and of no effect; that any approval thereof made by the defendant Attorney General of the United States or order issued by him approving the same, if any ever was made, be cancelled and be declared null, void and of no effect; that it be declared and adjudged that he or she is not an alien enemy; that he or she be declared to be a national of the United States and a citizen thereof; that it be adjudged and decreed that he or she is a native-born citizen and national of the United States; that it be adjudged and decreed that his or her internment, detention and duress in which held is illegal and void and that each be ordered released therefrom; that any and all orders for his or her removal or deportation be ordered cancelled; for an order and judgment declaring his or her rights in the premises; that each have his or her costs of suit; and that each have such other and further relief as may be just.

/s/ WAYNE M. COLLINS,

Attorney for Plaintiffs.

United States of America,  
State of California,  
City and County of San Francisco—ss.

Masaru Yamaichi, being first duly sworn, deposes and says: That he is one of the plaintiffs in the

foregoing amended complaint named; that he makes this affidavit and verification thereof on his own behalf as such a plaintiff and on behalf of each and all the plaintiffs therein, each of whom has authorized him so to do, and because it is impracticable to have the same verified by each of them by reason of their detention, their large number and the long period of time which would be consumed to have such done and because of the shortness of time due to the threatened and imminent involuntary removal of plaintiffs, as alleged therein; that he personally knows the facts set forth therein which apply equally to each and all of said plaintiffs; that he has read the foregoing amended complaint and knows the contents thereof; that the same is true of his own knowledge except as to the matters therein stated upon information or belief and as to such that he believes it to be true.

/s/ MASARU YAMAICHI.

Subscribed and Sworn to before me this 15th day of August, 1946.

[Seal] /s/ JANE M. DOUGHERTY,  
Notary Public in and for the County of San Francisco, State of California.

My Commission Expires Sept. 24, 1949.

Service of and receipt of copies of the above and foregoing amended complaint is hereby admitted and

acknowledged this 15th day of August, 1946, by each of the defendants.

TOM C. CLARK,

Attorney General.

FRANK J. HENNESSY,

U. S. Attorney.

Defendants.

By: /s/ R. B. McMILLAN,

Assistant U. S. Attorney.

Attorneys for Defendants.

[Endorsed]: Filed Aug. 15, 1946.

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[Title of District Court and Cause.]

ORDER SUBSTITUTING PARTIES  
DEFENDANT

Upon reading and filing the written stipulation to the substitution of certain parties defendant executed between the parties hereto,

It Is Ordered that John Snyder, as the Secretary of the Treasury, be substituted herein as a party defendant in the above-entitled suit in lieu of and as the successor in office to Fred Vinson, the former Secretary of the Treasury, and that Julius A. Krug, as the Secretary of the Interior, be substituted as a party defendant in the above-entitled suit in lieu of and as the successor in office to Harold Ickes, the former Secretary of the Interior.

Dated: August 16, 1946.

/s/ A. F. ST. SURE,

U. S. District Judge.

[Endorsed]: Filed Aug. 16, 1946.

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[Title of District Court and Cause.]

STIPULATION TO SUBSTITUTION  
OF PARTIES DEFENDANT

Whereas the defendant Fred Vinson has ceased to hold office as the Secretary of the Treasury and the present Secretary of the Treasury now is John Snyder, and whereas the defendant Harold Ickes has ceased to hold office as the Secretary of the Interior and the present Secretary of the Interior is Julius A. Krug, and whereas said defendants were sued herein as public officers in their official governmental capacities,

It Is Stipulated between the parties hereto that John Snyder, as the Secretary of the Treasury, be substituted herein as a defendant in lieu of and as the successor in office of said Fred Vinson, and that Julius A. Krug, as the Secretary of the Treasury, be substituted herein as a defendant in lieu of and as the successor in office of said Harold Ickes.

Dated: August 15, 1946.

TOM C. CLARK,  
Attorney General,  
FRANK J. HENNESSY,  
U. S. Attorney,  
By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

[Endorsed]: Filed Aug. 16, 1946.

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[Title of District Court and Cause.]

### MOTION TO STRIKE

Defendants move to strike from the amended complaint filed herein certain redundant, immaterial and impertinent matters identified below, pursuant to Rules 8(e) and 12(f) of the Federal Rules of Civil Procedure:

All of the matters and allegations set forth in Paragraph VII of said amended complaint, beginning with line 30, page 17, to and including line 10, page 19: on the ground that said allegations and matters comprise evidentiary matter; are impertinent, immaterial and redundant; and, as a result of their inclusion in it, the allegations of said amended complaint are not simple, concise, and direct, as required by said Federal Rules.

That said matter constituted Exhibit No. 2, ap-

pended to the "Supplement and Amendment to Complaint" filed herein and ordered stricken by this Court on July 10, 1946.

For these reasons, said Paragraph VII, and the whole thereof, of said amended complaint should be, and defendants move that same be, stricken.

Respectfully submitted,

/s/ FRANK J. HENNESSY,

U. S. Attorney,

Attorney for Defendants.

[Endorsed]: Filed Sept. 19, 1946.

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[Title of District Court and Cause.]

ANSWER

Respondents Tom C. Clark, Frank J. Hennessy, and Irving F. Wixon make the following answers to the Amended Complaint filed herein.

I.

Respondents neither admit nor deny the conclusions of law contained in Paragraph I of the Amended Complaint, but admit the statement of fact that the matter in controversy exceeds the sum of three thousand dollars as to each complainant, exclusive of interest and costs.

II.

Respondents admit the allegations of Paragraph II insofar as they apply to Respondents Clark,



Hennessy and Wixon. With respect to the allegations as to other Government officials, it is admitted that the individuals named were at certain times or are now occupants of the positions stated, although some of them were not such occupants at all times mentioned in these pleadings. Moreover, Respondents Clark, Hennessy and Wixon assert that no defendants other than themselves have been effectively served herein and none has appeared, and therefore any allegations with respect to such individuals are not relevant to the cause herein set forth.

### III.

Respondents admit that each complainant is a person of Japanese ancestry, a native, domiciliary of the United States, and a resident of the Northern District of California. Respondents further admit that the proclamations mentioned in Paragraph III of the Amended Complaint herein were issued and were withdrawn, as stated therein. Respondents assert that each complainant is an alien and a citizen and subject of Japan, and that the Attorney General has made a finding of dangerousness as to each complainant, acting within his powers pursuant to the Alien Enemy Act of 1798 and to Presidential Proclamations 2525 and 2655 and to the 12189). Respondents deny that each or any of complainants is presently a citizen or national of the United States or is loyal to the United States, that the withdrawal of the Proclamations set forth in

Paragraph III of the Amended Complaint had the effect of a finding that complainants herein were not hostile or dangerous to the security of the United States of America; and deny all other allegations of Paragraph III not otherwise answered herein.

#### IV.

Respondents admit that each of complainants is interned in the custody of Respondent Irving F. Wixon, acting in his capacity as District Director of the Immigration and Naturalization Service for the Northern District of California, who is, in turn, acting under the direction of Respondent Tom C. Clark, Attorney General of the United States; and that each is held under order of removal from the United States issued by said Respondent Tom C. Clark, acting lawfully pursuant to the Alien Enemy Act of 1798 and the Presidential Proclamations and the Regulations of the Attorney General cited above; but deny all other allegations and conclusions of Paragraph IV of the Amended Complaint herein.

#### V.

Respondents admit that all of complainants were excluded from the Western Defense Command area in 1942, and, at the time of their renunciation of citizenship, were detained in the War Relocation Center known as Tule Lake, at Newell, California, which was surrounded by wire and guarded; but deny the remaining allegations of Paragraph V of the Amended Complaint filed herein; and assert

that the renunciation of each of complainants was in fact approved by the Attorney General, as required by statute and regulation; and that each of said renunciations is valid and legally effective.

## VI.

Respondents admit that hearings were given to each complainant pursuant to the requirement of the statute and regulations; but assert that said hearings were conducted fairly and in conformity with Constitutional requirements, and assert that the purpose of the hearings given was, first, to ensure that each applicant for renunciation fully understood the nature and consequences of his act and undertook them voluntarily, and, second, to ascertain, pursuant to statutory requirement, whether approval of the attempted renunciation in each case would be not contrary to national defense; and assert that such approval was not based on any information, secret or other, except what was voluntarily disclosed to the hearing officer by the applicant in the applicant's effort to obtain approval of his renunciation. Respondents deny all other allegations of Paragraph VI of the Amended Complaint filed herein.

## VII.

Respondents admit the allegations of Paragraph VII of the Amended Complaint filed herein except insofar as they may be taken to draw the legal conclusion that complainants are or were subjected to duress in relation to their renunciation, or in

any other connection. The existence of such duress is denied.

#### VIII.

Respondents deny all allegations and conclusions in Paragraph VIII of the Amended Complaint filed herein.

And, Answering the Second Cause of Action, set forth in the Amended Complaint herein, Respondents Tom C. Clark, Frank J. Hennessy and Irving F. Wixon respectfully submit as follows:

#### IX.

Respondents reiterate the pleadings set forth in Paragraphs I to VII in the above Answer to the First Cause of Action herein.

#### X.

Respondents deny all the allegations of Paragraphs II, IV, and VIII of the Second Cause of Action in the Amended Complaint.

#### XI.

Respondents admit sub-section (h) of Paragraph III of the Second Cause of Action in the Amended Complaint; and assert that neither the Government nor any of its agents, servants or employees has subjected complainants herein to the duress alleged, or to any duress. Respondent denies all other allegations of said Paragraph III, with the exception of the following: Respondents admit that complainants have been detained at Tule Lake, and that each of them, since his renunciation and subsequent

hearing and order by the Attorney General, has been destined for removal to Japan. Respondents admit that in various sections of the country there existed hostility to complainants and other persons in the Tule Lake Center during their detention, and that, in consequence, many residents of the said Center were apprehensive of being relocated during the time prior to the unconditional surrender of the Japanese Government. Respondents admit that, for some time following the declaration of war, complainants and other persons in relocation centers were not accepted or drafted for service in the United States armed forces; and admit that complainants were finger-printed and photographed for identification. Respondents assert that at a later period numerous individuals in the said relocation centers were, in fact, accepted for service in the armed forces and were called upon to perform other important services in the national war effort. Respondents admit that, since the entry of orders of removal by the Attorney General, surveillance was maintained over communications between complainants and persons not confined in the Center; and admit that there was maintained within the Center a disciplinary enclosure in which persons disturbing the orderly conduct of the said Center were from time to time detained. Respondents admit that there was in said Relocation Center a club of Caucasian employees of the said Center through which the said Caucasian employees employed, on a voluntary basis, individuals detained at the Center at the rates

prescribed for remuneration of such occupants of the said Center for all labor performed therein. Respondents admit that each of complainants, following his renunciation, was afforded an opportunity to show cause why he should not be removed to Japan; and assert that, at the hearings provided for the purpose of permitting cause to be shown, each complainant was given full opportunity to present such evidence as he wished.

## XII.

Respondents admit that, as alleged in Paragraph V of the Second Cause of Action in the Amended Complaint herein, the War Relocation Authority permitted the organization of groups of persons within the said Center for the purpose of operating Japanese language schools and promoting Japanese cultural activities therein; and admit that some of the said organizations and the leaders thereof were adherents of nationalistic Japanese philosophy. All other allegations of the said Paragraph V are denied.

## XIII.

Respondents admit that the organizations referred to in Paragraph XII, above, engaged in engendering, developing and promoting loyalty to the cause of Japan, initiated Japanese-type military drill, mass exercises, bugling, wearing Japanese insignia, emperor worship ceremonials and other Japanese nationalistic activities designed to instill in the residents of the Center a devotion to the

militaristic regime in Japan. Respondents admit that these organizations engaged in misrepresentations with respect to the purpose and effect of the deportation and renunciation laws and the programs initiated by the Government thereunder, and engaged in a propaganda campaign the purpose of which was to persuade persons within the Relocation Center to renounce their American citizenship and assert their loyalty to the Japanese Government. Respondents admit that certain alien parents within the Relocation Center, both as a result of the activities of these organizations and for other reasons, attempted to persuade and in some instances did persuade their citizen children to renounce their citizenship. All other allegations of Paragraph VI of the Second Cause of Action in the Amended Complaint are denied.

#### XIV.

This Court's decision, that the letter set forth in Paragraph VII of the second cause of Action in the Amended Complaint herein should be stricken as being improperly pleaded, renders unnecessary any response to said Paragraph VII.

#### XV.

Respondents deny all the allegations of Paragraph IX of the Second Cause of Action in the Amended Complaint, and specifically deny the existence of duress, menace, fraud, coercion and undue influence on the part of the Government or otherwise at any time.

## XVI.

Respondents admit that 5,731 United States born individuals executed applications for renunciation of citizenship, among them complainants, but deny the other allegations of Paragraph X of the Second Cause of Action in the Amended Complaint.

## XVII.

Respondents deny all the allegations of Paragraph XI of the Second Cause of Action in the Amended Complaint.

## XVIII.

Respondents admit that complainants made the allegations set forth in Paragraph XII of the Second Cause of Action in the Amended Complaint, and attempted to revoke their renunciations as there stated; but assert that the failure and refusal to accept the attempted revocation there alleged was necessitated by law, there being no power in the Attorney General to confer citizenship on persons who have lost it. Respondents admit, also, refusal to release complainants and assert that they will be removed to Japan pursuant to the orders of the Attorney General legally issued in their cases, as set forth above.

## XIX.

Respondents admit the allegations of Paragraph XIII of the Second Cause of Action in the Amended Complaint, with the exception that complainants or their counsel have access to the orders issued in the respective cases upon request, and that



certain other documents may, within the discretion of authorized officials, be made available upon proper request.

XX.

And, Answering the Third Cause of Action Set Forth in the Amended Complaint Herein, Respondents reiterate the answers set forth above, admit that most of the complainants in this Cause of Action were minors at the time of renunciation, but deny that any were mentally incompetent or that the act of renunciation was without effect as to any either because of infancy or other incompetence.

XXI.

And, as an Affirmative Defense to All Three Causes Set Forth in the Amended Complaint Herein, Respondents Assert:

First, that renunciations were approved by the Attorney General only after the following procedural steps:

1. A written application for permission to renounce, signed by the prospective renunciant, was required to be filed in each case.

2. The submission of a formal statement of renunciation, upon which a hearing was held by an officer specially designated by the Attorney General prior to its approval.

3. Approval by the Attorney General based upon the report and recommendation of such hearing officer.

Second, at these hearings each renunciant appeared in person before the designated hearing

officer in a private interview at which no other persons of Japanese ancestry were permitted to be present, except in cases where an interpreter was required.

Third, that it was the purpose of these hearings to make certain that the prospective renunciant fully understood the consequences of his act and undertook them voluntarily. To this end the officers were instructed to and did explain in full that citizenship once lost could not be regained, and interrogated each prospective renunciant as to his reasons for wishing to renounce, explaining, in cases where such explanation seemed appropriate, that renunciation was not necessary in order to preserve family unity or in order to obtain an opportunity to depart for Japan.

Fourth, that a very large number of the complainants herein were, at the time of renunciation, themselves members of the nationalistic Japanese organizations described in the above Amended Complaint and Answer thereto. That a very large number of complainants herein affirmatively asserted their belief in the principles and purposes of the said nationalistic organizations before the renunciation hearing officer at the hearing held under the conditions described above. That a very large number of complainants when appearing at such hearing openly avowed hostility to the United States and asserted their hope and desire for a Japanese victory. That a considerable number of complainants appeared before the hearing officers wearing

garments comprising the uniform of the said nationalistic organizations, and performed parts of the ritual before the hearing officer.

Fifth, that, as indicated in the description of the procedures above, each of the complainants has individually filed a petition to be permitted to renounce, and that a not inconsiderable number of them wrote twice or more to the Attorney General complaining that their wishes in this respect were not granted more expeditiously.

Sixth, that a large proportion of complainants expressed the desire to leave the United States and reside permanently in Japan as a reason for their intention to renounce United States nationality.

Seventh, that a very large proportion of complainants herein made no attempt to retract their said renunciations until after the Atom Bomb had fallen on Japan and they had been apprised of the consequent surrender.

Eighth, accordingly, Respondents assert that, contrary to the allegations of complainants, complainants were not in fact coerced or led by any form of duress to renounce their citizenship as aforesaid, but in truth and in fact were voluntary and active participants in the movement for renunciation, and themselves renounced voluntarily and with full knowledge of the nature and consequences of their act.

Wherefore, Respondents respectfully submit the Complaint should be dismissed on the merits.

/s/ FRANK J. HENNESSY,

U. S. Attorney.

JOHN F. SONNETT,

THOMAS M. COOLEY, II,

Department of Justice.

ROBERT B. McMILLAN,

Asst. U. S. Attorney.

Due Service and receipt of copy of foregoing answers hereby admitted September 23, 1946.

/s/ W. M. COLLINS,

Attorney for Plaintiffs.

[Endorsed]: Filed Sept. 23, 1946.

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[Title of District Court and Cause.]

ORDER APPOINTING GUARDIAN AD LITEM

Good cause appearing therefor, it is hereby ordered that the plaintiffs herein, Frank Shimada, Yoshiko Shinde and Kaoru Tsuneshige, each of whom is a mental incompetent, be and each of them is hereby authorized to appear herein by Harry Uchida as his or her next of friend and guardian ad litem of each of them.

Dated: September 30, 1946.

/s/ A. F. ST. SURE,

U. S. District Judge.

Receipt of a copy of the above order is hereby admitted this 30th day of September, 1946.

TOM C. CLARK,

Attorney General,

FRANK J. HENNESSY,

U. S. Attorney,

By /s/ R. B. McMILLAN,

Assistant U. S. Attorney,

Attorneys for Defendants.

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[Title of District Court and Cause.]

### MOTION TO STRIKE

Each plaintiff moves the court to strike the following matter from the Answer herein, as follows:

1. From paragraph III thereof, the assertion on page 2 line 11, commencing with the words "Respondents assert" down to and including the words and figures "thereunder (10 F.R. 12189)" on line 16 of page 2, on the grounds the said matter is in irreconcilable conflict and inconsistent with the admission of the nativity, residence, domicile and presence in the United States of each plaintiff is an erroneous opinion and conclusion of law, is irrelevant and is sham, frivolous and evasive.

2. From paragraph III thereof, the concluding sentence thereof commencing with the words "Respondents deny" on line 16 of page 2, on the grounds said matter constitutes mere opinions and conclusions of law, is negative pregnant, and is sham, frivolous and evasive.

3. From paragraph IV thereof, the phrase commencing with the words "acting lawfully" on line 1 of page 3 down to and including the words "cited above" on line 3 of said page, on the ground the same is mere opinion and conclusion of law.

4. From paragraph V thereof, the matter commencing with the words "as required by statute" on line 13 of page 3 down to and including the word "effective" on line 15 of said page, on the ground it contains mere opinions and conclusions of law.

5. From paragraph XI thereof, the matter commencing with the words "and assert that neither" on line 27 of page 4 down to and including the words "or to any duress" on line 29 of said page, on the ground the same is in conflict and inconsistent with matters of fact of which the court has and takes judicial cognizance.

6. The whole of paragraph XIV thereof, for being an erroneous opinion and conclusion of law and as being evasive.

7. From paragraph XVIII thereof, the matter commencing with the words "but assert that the failure" on line 21 of page 7 down to and including the words "on persons who have lost it" on line 24 of page 7, on the ground the same is a mere opinion and conclusion of law, and is immaterial, irrelevant and evasive.

8. The whole of paragraph XXI thereof, except subsection "Second" on the grounds it does not constitute either a special or an affirmative defense, contains mere opinions and conclusions of law, re-

lates to evidentiary matter, is redundant, immaterial, irrelevant, sham and evasive.

9. The whole of the following paragraphs thereof, to-wit, paragraphs I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, and the whole of said Answer on the grounds the denials and admissions therein do not explicitly traverse the material allegations of the amended complaint; that the denials therein involve conclusions of law; that the denials therein are of matters of fact of which the defendants are presumed to have and have actual knowledge and, consequently, cannot be heard to deny; that the matters and things alleged in the amended complaint are matters of fact of which the court has judicial knowledge or takes judicial cognizance and, in consequence, are matters of fact that cannot be denied by defendants; that the admissions in said answer are inconsistent with the denials therein; that the denials therein are inconsistent with the admission therein; that the denials therein are inconsistent with facts of which the court takes judicial cognizance; that the denials are vague, indefinite, uncertain and evasive; that the admissions therein are indefinite, uncertain and evasive; that the denials and admissions and assertions therein and the whole of answer are sham, false, frivolous, impertinent and evasive.

This motion is made upon the amended complaint, the answer thereto, this motion and notice of this motion.

Wherefore, each plaintiff prays this motion to strike be granted; that leave to amend the answer be denied; that each plaintiff have the relief prayed for in the amended complaint.

Dated: October 10, 1946.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

[Endorsed]: Filed Oct. 10, 1946.

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[Title of District Court and Cause.]

#### MOTION FOR SUMMARY JUDGMENT

Each plaintiff moves the court for summary judgment in his favor as prayed for in the amended complaint herein.

This motion is made upon the grounds that: (1) the defendants' Answer does not present any material issue of fact for determination; (2) the material issues of fact alleged in the amended complaint are either undenied or admitted in said Answer or are facts the existence and truth of which the Court has or takes judicial cognizance, in consequence of which the defendants are barred from denying the truth of the allegations of fact contained in said amended complaint and (3) the questions of fact must be resolved in favor of plaintiffs.

This motion is made and based upon the amended complaint, the answer thereto, this motion and notice of the hearing thereof, supporting affidavits to



be filed herein, facts of which the Court takes judicial cognizance and stipulations of fact into which the parties will enter on the submission of said motion to this Court for adjudication.

Dated: October 14, 1946.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

Points and Authorities in Support of Motion

1. A summary judgment in equity is authorized by Rule 56(a) R.C.P.

2. There is no genuine issue raised by the Answer as to any material fact alleged in the amended complaint and, in consequence, plaintiffs are entitled to summary judgment in their favor as a matter of law.

3. Inasmuch as the Answer does not controvert any material issue of fact and the evidence, as supplied by stipulations of fact, admissions, and facts of which the Court takes judicial cognizance, reveals that the defendants have not and cannot deny the material facts alleged in the amended complaint a summary judgment in favor of the plaintiffs is authorized by Rule 56(a) and 56(c) R.C.P. and should be granted plaintiffs.

Respectfully submitted,

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

Receipt of a copy of the foregoing Motion, Notice thereof, and Points and Authorities in support

thereof is hereby admitted this 14th day of October, 1946.

TOM C. CLARK,  
Attorney General,  
FRANK J. HENNESSY,  
U. S. Attorney,  
By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

[Endorsed]: Filed Oct. 14, 1946.

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[Title of District Court and Cause.]

MOTION FOR JUDGMENT ON  
THE PLEADINGS

Each plaintiff moves the court for judgment on the pleadings herein as prayed for in the amended complaint herein.

This motion is made upon the grounds that: (1) the defendants' Answer does not present any material issue of fact for determination; (2) the material issues of fact alleged in the amended complaint are either undenied or admitted in said Answer or are facts the existence and truth of which the Court has or takes judicial cognizance, in consequence of which the defendants are barred from denying the truth of the allegations of fact contained in said amended complaint and (3) questions only of law are involved and these must be resolved in favor of plaintiffs.

This motion is made and based upon the amended complaint, the answer thereto, this motion and notice of the hearings thereof, facts of which the Court takes judicial cognizance and stipulations of fact into which the parties will enter on the submission of said motion to this Court for adjudication.

Dated: October 14, 1946.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

[Endorsed]: Filed Oct. 14, 1946.

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[Title of District Court and Cause.]

#### NOTICE OF HEARING OF MOTIONS

To Defendants and to Hon. Tom C. Clark, Attorney General, and Hon. Frank J. Hennessy, U. S. Attorney, Attorneys for Defendants:

You and each of you will please take notice that on Monday, October 28, 1946, at the hour of 10 o'clock a.m. of said day or so soon thereafter as counsel can be heard, plaintiffs will move the court to grant their motions to strike, for judgment on the pleadings and for summary judgment which heretofore were filed herein.

Dated: October 16, 1946.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

Receipt of a copy of the above notice is hereby admitted this 16th day of October, 1946.

TOM C. CLARK,

Attorney General,

FRANK J. HENNESSY,

U. S. Attorney,

Defendants,

By /s/ R. B. McMILLAN,

Assistant U. S. Attorney,

Attorneys for Defendants.

[Endorsed]: Filed Oct. 16, 1946.

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[Title of District Court and Cause.]

RESPONDENTS' POINTS AND AUTHORITIES IN OPPOSITION TO COMPLAINANTS' MOTION FOR SUMMARY JUDGMENT AND CROSS MOTION FOR SUMMARY JUDGMENT

B.

Respondents move for a Summary Judgment in their favor.

I.

The affidavits hereto attached and the authorities heretofore cited establish that Complainants' renunciations are not vitiated by duress or otherwise.

It Is Therefore respectfully submitted that Complainants' Motion for Summary Judgment must be

denied and Respondents' Motion for Summary Judgment be granted.

/s/ FRANK J. HENNESSY,

United States Attorney.

Attorney for Respondents  
in Equity.

### AFFIDAVIT OF JOHN L. BURLING

District of Columbia— ss.

John L. Burling, being sworn, deposes and says as follows:

I am a member of the bar of the State of New York and of the Supreme Court of the United States. From July 1, 1939, until June 3, 1946, I was employed by the United States Department of Justice. At all times relevant to this suit I was assigned to the Alien Enemy Control Unit of the War Division of the Department of Justice, and during substantially all of the relevant period I had the title of Assistant to the Director of that Unit. The Alien Enemy Control Unit had assigned to it not only the administration of the Alien Enemy Act of 1798 but also cognate matters relating to the internal security of the United States and to exceptional wartime security controls. At all times from January, 1942, until the surrender of Japan, the Unit was active for the Department of Justice in problems relating to Japanese aliens resident in the United States and to American citizens of Japanese ancestry resident before the war on the West Coast. From January, 1942, when agitation in favor of evacuation of all persons of Japanese

ancestry arose on the West Coast, onward, I was active in the Department of Justice in dealing with the various problems to which that agitation led, including the ultimate removal from the West Coast by military authorities of all persons of Japanese ancestry. The Department of Justice and, through it, I, personally, was aware of substantially all of the governmental developments and the policy determinations leading to that evacuation and to the creation of the War Relocation Authority. Thereafter, I was one of the officials of the Department of Justice who was most closely in touch with the officials of the War Relocation Authority and who sought to coordinate the activities of the Department of Justice with that agency where appropriate. It may be said, in general, that I am thoroughly familiar with the problems created by the evacuation and particularly with the problems related to internal security, many of which problems arose especially at the Tule Lake Center of the War Relocation Authority located in Modoc County, California.

Subsection (i) of Section 401 of the Nationality Code which authorizes renunciation of American citizenship under certain circumstances was added to the Nationality Code of 1940 by Act of July 1, 1944. The enactment of that law came about under the following circumstances:

In the early winter of 1943, coupled with an effort to recruit combat teams of American citizens of Japanese ancestry to serve with the armed forces,

the War Relocation Authority undertook to have a questionnaire or questionnaires filled out by a large number of the residents of its ten centers into which the very great majority of persons of Japanese ancestry previously residing on the West Coast had been moved. This questionnaire included questions relating to loyalty to the United States on the part of both aliens and citizens. Due probably in part to the manner in which the questionnaire was handled both by military authorities and by officials of the War Relocation Authority and probably in part to distress at having been moved into guarded, barbed-wire-enclosed camps and probably in part to genuine loyalty on the part of some toward Japan, a considerable number of persons, both citizens and aliens, either answered the questions pertaining to loyalty in the negative or declined to answer.

Thereafter, in the spring of 1943, the War Relocation Authority encountered unfavorable publicity in certain sections of the press. At the same time a subcommittee of the House Select Committee to Investigate Un-American Activities conducted an investigation into the policies of the War Relocation Authority. In the course of this investigation and in the press the War Relocation Authority was very strongly urged to segregate those whom it deemed disloyal to the United States from those whom it deemed loyal. The preparation for this segregation process was carried on in the spring and summer of 1943. Very generally, it may be

said that those persons who had answered the loyalty question above referred to in the negative and who failed subsequently to withdraw their negative answer and to substitute an affirmative answer were scheduled for segregation. Similarly, persons who requested to be repatriated to Japan were scheduled for segregation. A small number of others as to whom there was specific security information provided by one or more Government agencies or who failed to persuade the War Relocation Authority of the genuineness of their amendment to the negative answer to the loyalty questionnaire were scheduled for segregation. The very great majority of all persons designated for segregation, however, received such designation as a result of either a negative loyalty answer or a request for repatriation. In addition to adults selected for segregation, minor children of segregants and family members of segregants who desired to remain in the family unit were permitted to be segregated.

Prior to the completion of the preparation of lists of persons designated for segregation, the War Relocation Authority announced that the Tule Lake Center in Modoc County, California, which was at that time one of the Authority's ten relocation centers, would be selected as the segregation center. Inasmuch as many of the persons of Japanese ancestry who had been moved by the Army first from their homes to Army camps and then from Army Camps to War Relocation Authority centers re-



garded such movement as an exceptional hardship, a considerable number of persons who had already been moved to the Tule Lake Center in 1942 did not desire to move to another Center in the process of transforming the Tule Lake Center from a relocation center to a segregation center and, therefore, desired to remain there notwithstanding their knowledge that the Tule Lake Center was to become the segregation center for persons of Japanese loyalty. The precise number of persons who would not have been segregated by the War Relocation Authority's criteria who remained in Tule Lake because of unwillingness to move is not known but it was thought to be slightly more than 6000.

In general, therefore, it may be seen that few of the persons segregated were segregated against their will. Segregants had ordinarily elected that status either by giving and adhering to a negative loyalty answer or by making and not withdrawing a request for repatriation or by refusing to leave Tule Lake when the status of that center was changed. It was announced throughout all centers at the time of segregation that the principal purpose of the War Relocation Authority would be to relocate in American life the evacuees who were not segregated but that it was not intended that any relocation be carried on directly from the Tule Lake Center (although in some exceptional cases persons in the Tule Lake Center might be moved to relocation centers for further processing.) The

general spirit in which segregation was carried on both by the War Relocation Authority and by the evacuees themselves was that those persons of Japanese ancestry, whether United States citizens or aliens, who desired to look to the United States for their future, should remain in or go to one of the nine relocation centers, while those persons of Japanese ancestry, whether United States citizens or aliens, who desired to look to Japan for their future, should go to the Tule Lake Segregation Center until exchanged or repatriated.

In 1942 and again in 1943 the exchange vessel *Gripsholm* made voyages between the United States and neutral ports at which exchanges took place of Japanese returning to Japan from the United States and of United States citizens returning to the United States from the Orient. Although these exchanges were extremely difficult to arrange, hope to arrange further exchanges in order to save the lives of Americans held in Asia was never abandoned by the State Department and likewise hope to return to Japan, even during the war, was never abandoned by those desiring repatriation. Many of those who accepted segregation in the summer of 1943 did not anticipate a long stay in the Tule Lake Center but hoped to be returned to Japan by diplomatic exchange.

With the exception of infants, therefore, and family members incapable of independent decision, substantially all persons who went to or remained in Tule Lake after the segregation date in the

autumn of 1943 had indicated an acceptance of a Japanese dominated future which involved going to or remaining in a camp guarded with barbed wire and sentry towers as opposed to the option of going to or remaining in one of the nine relocation centers (only a few of which were so guarded) to await relocation at liberty in the United States. These persons also knowingly accepted the stigma of disloyalty to the United States.

The physical movement of persons among the various centers commenced in the autumn of 1943 and was substantially complete on November 1, 1943. On that date there were approximately 18,000 persons of Japanese ancestry living in the Tule Lake Center, many of whom had come from other camps, some of whom comprised the leadership of the pro-Japanese factions of each of the ten relocation centers and who, to some extent, thereupon commenced to compete with each other for leadership of the new segregation center.

Prior to November 1, 1943, a number of grievances had been urged by at least some of the residents of the Tule Lake Center relating to living conditions, food and the like. On November 1, 1943, Dillon S. Myer, the National Director of the War Relocation Authority, was at the Center on an inspection trip. On that day a crowd of at least a thousand persons of Japanese ancestry gathered around the administration building in such a way as to create the impression among some Caucasian members of the War Relocation Authority staff that

the crowd was imprisoning the administrative officials within the administrative building. Leaders of this crowd then conferred with Mr. Myer and with Mr. Ray O. Best, the Director of the Tule Lake Center, and further pressed demands. As a result of the pressure put upon the administrative officials by the crowd, Mr. Myer addressed the crowd from the porch of the building. During this time some members of the staff were physically prevented from entering or leaving the area surrounding the building and also during this period some persons of Japanese ancestry walked through corridors of the center hospital against orders and, as a result of that incident, a scuffle ensued between the chief physician of the center and persons of Japanese ancestry. The physician was knocked unconscious, dragged outside and severely beaten. Four days later a group of youths entered the area in which motor equipment was parked which they were forbidden to enter at night. They thereupon approached the house of Mr. Best in such a manner as to cause him to believe he was about to be attacked and he then requested the assistance of the Military Police who were camped immediately outside the main gate. The soldiers entered on the night of November 4 completely equipped with armored cars, gas, machine guns and the like and assumed control of the camp.

The reverberations of these two incidents were immediate. The press called great attention to what it described as rioting. A number of em-

ployees of the War Relocation Authority became afraid and declined to remain within the fenced area. A committee of the California legislature took testimony from some of these persons and others having knowledge of the incidents, which testimony was strongly critical of the War Relocation Authority and insistent that more stringent measures be taken. Within a month the same subcommittee of the House Select Committee to Investigate Un-American Activities which had held hearings in the spring held additional hearings concerning the Tule Lake incident, which hearings also were markedly critical of the situation as it then existed.

In my capacity as the Department of Justice officer designated to keep in touch with this general problem, I attended several of these hearings held in Washington, was in close touch with the officers of the War Relocation Authority and was generally familiar with developments. It was the opinion of other officers of the Department, and it was my own, that it would be necessary to modify the manner in which the problem was being dealt with. As the problem was envisaged in November, 1943, by the then Attorney General, Francis Biddle, by my immediate superior, the Director of the Alien Enemy Control Unit, Edward J. Ennis, and by me, judging from the general information available to the Department of Justice and particularly the testimony at the various hearings and the statements made to us by officers of the War Relocation Authority, especially Dillon S. Myer, it was as follows:

Whether out of necessity or out of no necessity, wisely or unwisely, constitutionally or unconstitutionally, the Army had in fact moved over 100,000 persons of Japanese ancestry, over two-thirds of whom were American citizens, out of their homes and into camps. Thereafter, the War Relocation Authority had carried out what might be termed a voluntary segregation, as a result of which those who for one reason or another wished to be in a camp of persons known to be loyal to Japan were to live at the Tule Lake Center. This camp at that time housed 18,000 persons, some of whom could be presumed to have been at all times loyal to Japan. Some others of them could be presumed to have been so seriously shocked and distressed at the entirely unprecedented act of moving and detaining a group of persons selected solely on a racial basis and at its consequent great economic and social distress and at the actual hardships of moving and being placed in unprepared, crude barracks as to have become disaffected. An unknown number, probably in excess of 2,000, of the inhabitants were what is known as Kibei, which is the term given in Japanese to young men (and very occasionally women) who have been born in the United States and who have been sent to Japan to be educated and who returned to the United States only after having spent most of their formative years in Japan. A very large proportion of these Kibei were wholly Japanese in culture and education and could speak little or no English.

Within this population of 18,000 (including women and children) there was undoubtedly some group of persons whose loyalties were to Japan and who desired to create trouble and difficulty for the United States Government. Although the exact facts are still in dispute, undoubtedly some degree of physical force was employed by Japanese loyalist elements on November 1 and 4, 1943. It was the stated opinion of Mr. Myer that there were one or two thousand men in the Tule Lake Center who were at that time loyal to Japan. It was also his opinion that many of these were to be found among the Kibei, some of whom were Japanese by race, ties of family, ties of friendship, education and language and who were United States citizens and Americans solely as a matter of place of birth. The exigencies of the war and the reasonable demands of the public that persons of Japanese ancestry avowedly loyal to Japan not be permitted at complete liberty within the United States made it obviously impossible for the United States Government or any agency thereof to embark on any program of releasing from custody this small inner group of segregants who made no secret whatever of their loyalty to Japan and of their desire to see that country defeat the United States.

The Department of Justice regarded it as a patent necessity that that small group, however identified or defined, should be detained. This, however, raised a most serious constitutional problem. It is my understanding of the feeling and belief

of the then Attorney General and of his advisers that the detention of American citizens not charged with crime even in wartime on the basis of an Administrative determination of disloyalty under circumstances not sufficiently grave to warrant the declaration of martial law was repugnant not only to the Constitution but to the basic principles of liberty upon which this Government was founded. It was recalled that never before in this country had such detention been resorted to and that the right of habeas corpus went back in British law to Magna Carta. (It was known, of course, that the British during the existing war had authorized a cabinet officer to detain British subjects on security grounds without judicial review but it was hoped that that extraordinary departure from all prior concepts of civil liberties would not be necessary in this country). The dilemma posed, therefore, was that it was imperative to detain this group of admittedly disloyal American citizens of Japanese ancestry. Martial law might have made the detention of the group lawful but it is extremely doubtful whether conditions on the West Coast in 1943 were such as to warrant a declaration of martial law. Thus there appeared to be no way by which to detain them without doing violence to basic constitutional principles.

It was the belief of the officials of the Department of Justice considering this matter that the way out of this dilemma was to be found in the attitude and conduct of the members of disloyal group



themselves. It was believed that this group was so openly pro-Japanese and so desirous of making a demonstration of that loyalty that, if given an opportunity, they would voluntarily abandon their United States citizenship, and thereby voluntarily abandon their standing as citizens to object to the detention which their conduct rendered imperative. It was further believed in the Department of Justice that Japanese law provided that a person born in the United States of Japanese citizen parents prior to December 1, 1924, automatically acquired Japanese citizenship and retained it unless he affirmatively divested himself thereof and that such a person born after that date might acquire Japanese citizenship through registration of his birth by his parents with the Japanese Consul or consular agent. It was, therefore, thought proper to presume, until the presumption was rebutted by competent evidence, that those persons of Japanese ancestry who voluntarily gave up their American citizenship and asserted their loyalty to Japan were in legal fact dual nationals. As such, when their United States citizenship ceased to exist, their Japanese nationality remained and they were, accordingly, alien enemies under the provisions of the Alien Enemy Act of 1798 (Title 50, USC Section 21 et seq.).

Thus, the proposal that American citizens should be permitted, in time of war, to renounce their citizenship as an act of their own free will, subject only to the control that the Attorney General

might disapprove the renunciation if it affirmatively appeared to him to be contrary to the interests of national defense, was made for the purpose of devising a system of controlling the disloyal and riotous elements at Tule Lake while not doing injury to the Constitution and to the traditions of the Nation.

This problem became acutely one for the Attorney General on December 8, 1943. Up to that time he had never been asked to give nor had he given an opinion as to the constitutionality of the detention of American citizens of Japanese ancestry in the various camps. On that date a request was addressed to him by the Chairman of the subcommittee of the House Select Committee to Investigate Un-American Activities to appear before that subcommittee to make recommendations concerning what should be done concerning the general problem existing at Tule Lake. The Attorney General was then confronted with the necessity of making a recommendation either for the detention of American citizens not charged with crime and not under martial law by an administrative act of a military or civil official, or of recommending a means for accomplishing the detention of this group without violating the Constitution. In this situation Attorney General Biddle accepted the recommendation made to him by his advisers named above and on December 9, 1943, he recommended the enactment of legislation to permit voluntary renunciation of citizenship. Thereafter a bill was drafted

which became the Act of July 1, 1944, which is subsection (i) to Section 401 of the Nationality Act of 1940, as amended. The Attorney General testified again in favor of this legislation before the House Committee on Immigration in January, 1944, and the legislation was introduced, and passed.

While this legislation was pending and while the Army was gradually returning the control of the Tule Lake Center to War Relocation Authority officials following the incidents of November, 1943, the leadership of the persons of Japanese ancestry in the Tule Lake Center began to change and a group arose which did not favor violent action against the administration because of food, housing, etc., but which favored correct relations with the administration coupled with spiritual and physical preparation for return to Japan. This latter group reasoned that Japanese victory or at least repatriation was near and that the true Japanese should be prepared to resume life in Japan and that the young men should be prepared to fight for the Japanese Emperor. This group felt that the presence within the center of persons who were not truly loyal to Japan but who were loyal to the United States or who had remained out of inertia or who were awaiting to see how the war would end were undesirables. The group, accordingly, demanded what was called "resegregation," by which was meant a second segregation and removal from Tule Lake of those whose loyalty to Japan was questionable. Members of the undesirable group

were called "inu" or "dogs." Petitions for re-segregation were circulated and were sent to the War Relocation Authority, to the Secretary of the Interior, the Department of Justice, the Department of State and to the Spanish Legation in Washington, which was the Legation of the protecting power for Japanese interests in this country under international law. At least 7,000 signatures were affixed to these petitions.

After these petitions had been procured, the group which had procured them, namely the group of persons most eager to return to Japan and least willing to associate with other persons of Japanese ancestry not fanatically loyal to the Emperor, formed themselves into a society for the general promotion of repatriation and of preparation for return. One of the principal concerns of this group was that American-born children other than Kibei had been exposed to American education and American life and therefore were not adequately trained to return to Japan. This group set out to provide education in ways of Japanese thinking, history and Japanese culture and the like.

The Japanese Language Schools, which existed parallel to a system of American schools in the center, to a considerable extent cooperated with this group in preparing the children for return to Japan. Inasmuch as it was the assumption of many of the members of the staff of the War Relocation Authority that the center population would go to Japan either by exchange or at the conclusion of the

war, this preparation of Americanized children for Japanese life was not universally regarded as evil. One school which was conducted at the center until January, 1945, was called the Greater East Asia School after the notorious Greater East Asia Co-Prosperity Sphere.

This organization of persons loyal to Japan underwent a number of changes of name but continued to exist substantially until the end of the war, although from December 1944 onward efforts were made to stamp it out.

At some undetermined time in the summer of 1944 this organization, which was principally but not entirely composed of aliens, sponsored another organization for young men roughly between the ages of 18 and 30 who were principally but not entirely citizens (although many of them were Kibei). This organization in some respects was independent and in some respects bore the relation to the older one of an auxiliary to a parent organization. This organization also had several Japanese names at different times, the general meaning of all of which was Young Men's Fatherland Association. From mid-summer 1944 until January 1945, when efforts were made to stamp it out by removing all of its members to Department of Justice internment camps, this organization became steadily more openly pro-Japanese and more active in flaunting these activities in the face of the American authorities. The existence of the two Japanese patriotic organizations and of their more and more open

activities was not known to the officials of the Department of Justice above-named until December 5, 1944.

The bill permitting renunciation of citizenship in time of war became law on July 1, 1944. Considerable time was spent in preparing regulations and forms to implement this statute and it was not until the autumn of 1944 that the Department of Justice was prepared to administer it. Commencing in July 1944 individual letters and group petitions began to come in to the Department of Justice containing requests for permission to renounce citizenship. After the proper forms for applying for such permission were mailed out in October 1944, several hundred typewritten copies of such forms were mailed from the Tule Lake Post Office to the Department. These were nearly identical and seemed to have been prepared by the same typist. At the same time petitions were received for permission to renounce bearing the signatures of hundreds of persons. Because of the ease with which the signatures to petitions might be coerced or forged by anyone interested, some concern was felt by officials of the Department of Justice familiar with the matter (who by this time included, in addition to those named above, Assistant Attorney General Herbert Wechsler, in charge of the War Division). As a result, it was determined that all available steps should be taken to insure that no person renounced his citizenship unless he understood what he was doing and desired to do it.

The Act itself provides for renunciation merely by appearing before an official named by the Attorney General and by signing a designated form. There is no requirement for any determination whatever other than the implicit ones that the renunciant knows what he is doing and wishes to do it, and the stated condition in the statute that the renunciation be found not contrary to the interests of national defense. At one time, the Attorney General's advisers considered setting up very simple forms which could have been executed rapidly in the presence of any competently trained Government clerk. In order to slow down the process, however, for the precise purpose of minimizing the possibility of coercion or mistake, the regulations were made far more cumbersome than necessary. Pursuant to the regulations and to the Department's interpretation of them, it was necessary for an applicant first to write to the Department in Washington requesting a form. Upon receipt of the form it was then necessary for the applicant to fill out and return it to the Department requesting permission to renounce. Thereafter the regulations called for a hearing to be held, and in practice, as will be said further, that hearing was far fuller than necessary to fulfill the statutory requirements.

In order to determine whether or not coercion existed, I was sent by Assistant Attorney General Wechsler to the Tule Lake Center, at which I arrived on December 5, 1944. On that date I and, through me, the officials of the Department of Jus-

tice first learned of the existence of the disloyal groups above referred to. At the outset of my investigation at Tule Lake I arranged to have a hearing room set aside for my sole use and I was assigned a Caucasian interpreter and a Caucasian stenographer by the War Relocation Authority. I first called in and questioned separately about 62 persons who had filled in the typewritten copies of the printed form requesting permission to renounce citizenship, above referred to, and which officials in Washington had feared might indicate coercion. I questioned each of these persons in detail as to their desire to renounce citizenship, their reasons therefor and the circumstances surrounding the filing by them of the typewritten forms.

Although each person was alone with no other person of Japanese ancestry in the room and although each person was carefully questioned, every person questioned stated without hesitation that it was his or her own wish to renounce American citizenship so as to be solely Japanese. Substantially all of these persons indicated a desire to return immediately to Japan and substantially all of those who were questioned about it stated they desired to see Japan win the war. No one stated that he had been forced to sign the form and most of them stated that they had procured the form through friends. A few of them asserted that the form had been passed out to them by volunteers but that, since they had been trying to get forms from



Washington in vain, they regarded this as a helpful service. The names of the persons who had typed the forms were obtained by me and they also were questioned. They admitted typing the forms but stated that they did this to help out friends and others desiring renunciation. They explained that many persons were distressed at the slowness of the Department of Justice in putting the renunciation program into operation and that they had typed the forms to allay the impatience of the prospective renunciants. In the course of this exhaustive investigation, all of which is available in stenographic transcripts, I was able to find no hint of coercion as I understood that term as a lawyer. I did, however, learn of the organizations and did learn that they favored renunciation. I also heard other cases of individuals who wished to renounce for reasons not directly related to loyalty, such as desire to return to Japan with a husband or parent. These considerations are discussed below.

In December 1945 I learned that the young men's patriotic association had procured a considerable number of bugles and that they were conducting exercises each morning at 6 o'clock which were a combination of gymnastics, drilling in formation and patriotic observances. (On the evening of December 8, which was the anniversary of the attack on Pearl Harbor as measured by Japanese dates, a large memorial gathering was held in the center.) The young men wore a uniform at that time consisting of blue work trousers, a white sweatshirt

and a white head band. It was estimated by officials of the center to whom I talked that about a thousand young men participated in these exercises each morning. The week-day exercises were engaged in by the young men in small groups and on Sunday at a later hour all the young people would exercise together. In addition to the exercising, they would engage in bowing toward the Imperial Palace and calisthenics which, I was informed, commemorated historic Japanese events and heroes. Much of the calisthenics, furthermore, closely resembled actual military drill.

Because of the obviously undesirable nature of this organization, I undertook to ascertain the identity of the leaders thereof with the view to permitting them to renounce their citizenship first so as to cause them to become alien enemies, at which time they might be apprehended upon alien enemy process and interned in Department of Justice internment camps for alien enemies. In a series of hearings which I conducted in the cases of the leaders I learned that the organization was entirely open in its activities and that it had an office in one of the buildings regularly assigned it, that inside this office the Rising Sun flag was displayed and that there was a sign in Japanese that anyone who spoke English on the premises would be fined ten cents. These leaders were quite open in stating to me that their purpose was to prepare the young men so that when they should be exchanged they would be prepared to fight in the Japanese Army. They stated

to me that they understood that when the segregants had arrived at Tule Lake they had made up their minds to go to Japan and, since they desired to go to Japan, it was only reasonable that they should train themselves to be Japanese.

In order to expedite the removal of the leaders, both of the parent league of pro-Japanese fanatics and of the young men's auxiliary, I prepared a list, by means of interrogation, of all of the leaders in the two groups and then called in each of them. Those who were citizens were asked whether they had applied for renunciation and substantially without exception they had. In every case they voluntarily executed the form for renunciation of citizenship.

On or about December 23, 1944 I returned to Washington and reported to Edward J. Ennis, Assistant Attorney General Wechsler and Attorney General Biddle. On my recommendation the Attorney General approved the renunciation of citizenship of the citizen leaders of the group referred to and authorized the apprehension on alien enemy process of those who had originally been aliens, as well as those who became alien enemies through renunciation. I reported to these officials the existence of the very active pro-Japanese movements in the center. It was agreed that the two organizations must be dissolved and that the measure most likely to succeed was the internment as alien enemies of the leaders. It was further agreed that if additional leaders should be chosen to replace those interned

they also should be removed to Department of Justice internment camps.

Attorney General Biddle then directed me to arrange to return to Tule Lake in charge of a Department of Justice mission to handle the processing of renunciation applications. In order that the operation might be carried on as carefully and as intelligently as possible, I was instructed not to rely on persons with merely clerical training but to take with me from Washington trained personnel. I did take from Washington three attorneys from the Alien Enemy Control Unit and one officer from that Unit who was not an attorney but who had been assigned to the Unit only during the war and who was regularly a high career officer of the Immigration and Naturalization Service. In addition, six stenographers and a clerk were dispatched to Tule Lake from various offices of the Department of Justice.

On December 19, 1944, shortly after I had left Tule Lake, Major General H. C. Pratt, Commanding General, Western Defense Command, withdrew the public proclamations and orders of 1942 which had ordered the exclusions of all persons of Japanese ancestry from the West Coast area and permitted all such persons to return to California with the exception only of named individuals who were served with individual exclusion orders. Simultaneously the War Relocation Authority issued an announcement throughout all of its centers that all the relocation centers would be closed within ap-

proximately one year or by December 31, 1945. There is a dispute as to whether it was intended by Dillon S. Myer, the Director of the War Relocation Authority, that this be understood at Tule Lake as an announcement that that center would be closed on or before the date set, but there can be no dispute as to the fact that there was an announcement by the War Relocation Authority officials at Tule Lake to the residents of that camp that it likewise would be closed within one year and that all of the War Relocation Authority staff at that center and all of the persons confined in the center understood that the camp was to be closed within a year. For reasons which will be discussed below, the announcement that the center would be closed within one year coincided with an extremely sharp upswing in the number of applications for permission to renounce citizenship filed with the Department of Justice. The announcement as to the closing of the center was made on December 22, 1944. December 25 fell on a Monday. On December 26 approximately 2,000 pieces of mail were received in the Department from Tule Lake indicating a desire to renounce citizenship.

In the first week of January, 1945, I left Washington for California by train with the following hearing officers: Charles M. Rothstein, Joseph J. Shevlin, Ollie Collins and Lillian C. Scott. I devoted a considerable part of the time spent in travel in an endeavor to give these hearing officers as full a background concerning the general problem of the

Japanese evacuation as I could. I told them in detail of the agitation arising in 1942, of the fact that there was no evidence of any espionage or sabotage committed by any person of Japanese ancestry either at the time of Pearl Harbor or thereafter. I told them of the hardships caused by the evacuation and of the circumstances surrounding the segregation. I particularly told them that it was my opinion that the loyalty questionnaire had been ineptly handled and that a negative answer to the loyalty question was not necessarily indicative of disloyalty but might be due to mistake, confusion or resentment over the evacuation. I further explicitly told them that it was my own opinion that the entire evacuation had been a tragic mistake due almost entirely to the unfortunate giving way by certain military and other officials of the Government to an unreasoned wave of public hysteria. I further told them that the segregation of 1943 could not be relied on in every case as a positive determination of Japanese loyalty but that it had been in most cases a voluntary choice which in fact might have been dictated by such loyalty or by a number of other factors such as desire to keep a family unit together, resentment at treatment given to United States citizens by their Government, a desire to avoid the draft, etc., etc.

Coming specifically to the task of administering the renunciation statute, I told the hearing officers of the strong pro-Japanese pressure in the center and instructed them to be particularly diligent in endeavoring to detect any sign of coercion. I then

told them that, even though they were satisfied that a particular applicant for renunciation might fully understand the nature of the act and at the moment desire to accomplish it, the hearing officer nevertheless was not bound to recommend approval if he felt in the particular case that the subject was not truly loyal to Japan and was imbued with American principles, ideals and culture but was acting because of some unusually difficult family situation or because of resentment at his evacuation and subsequent detention. In such cases the hearing officers were instructed neither to approve nor to disapprove but to dictate a memorandum on the record so that the entire file, the transcript of the hearing and the hearing officer's memorandum might be studied in Washington. With the exception of this instruction, the hearing officers were told that, as a legal matter, all that was necessary was for the applicant to come before the officer, satisfy the officer that he understood what he was doing and wished to do it and then sign the renunciation form. Nevertheless fuller and more careful hearings were desired. The purposes of these hearings, they were told, were three-fold:

First, to explore every possibility of coercion. If any sign to coercion were noted, the applicant was, of course, not to be permitted to sign the form.

Second, to determine whether there was any group which, although voluntarily renouncing, nevertheless was so clearly pro-American and so clearly acting solely out of bitterness that some change in the

regulations or in the statute should be considered.

Third, to obtain information concerning the entire problem of the administration of the Tule Lake Center since at that time it was though not unlikely that the center would be transferred to the Department of Justice to administer.

With respect to the general issue of coercion, I specifically explained to the hearing officers that renunciation, as any other legal act, would be coerced and hence void if it were done under imminent or immediate threat of physical injury to one's self or to a member of one's family. I gave this definition of the legal concept of coercion and went further to say that if there was any indication whatever in any case that renunciation was being made under any threat at all without regard to its imminence, the applicant for renunciation should not be permitted to sign the form and that the matter should be reported to me for further consideration. I said further, however, that the law gave every citizen of the United States in time of war a right to renounce his citizenship subject only to the proviso that, if it affirmatively appeared that such renunciation would be contrary to the interests of national defense, then the Attorney General might disapprove the renunciation. For that reason it was not legally relevant to determine the ultimate motivation which might lead a renunciant to abandon his citizenship beyond the determination that he understood what he was doing and at that moment desired to do it. I said that many motivations



other than ultimate loyalty to Japan might be at work and that, for example, persons might renounce because they believed that all aliens would be repatriated at the end of the war and because they desired to remain with their alien parents. A renunciant might renounce because he was the eldest son and, as such, was responsible for the family property in Japan. Renunciants might abandon their citizenship because their parents feared that otherwise they would be drafted or forced out of the Tule Lake Center. I said that these reasons were not grounds for determining that renunciation was coerced and that an intentional act of renunciation free from fear was as valid if done for the motive of remaining with a parent as if done out of the truest loyalty to Japan. I stated to the hearing officers that the legal act of renunciation was comparable to the legal act of marriage and that a renunciant had legal capacity to renounce even though he was not loyal to Japan, just as a man or woman might have legal capacity to marry even though not devoted to the proposed spouse. In conclusion, I repeated to the hearing officers the instructions given me by Assistant Attorney General Wechsler which were to the effect that the duty of the hearing officer was comparable to the duty of a careful and humane judge in accepting a plea of guilty and that just as a judge will accept a plea of guilty if he is satisfied that the accused understands the nature of the charge and the nature of his response thereto and is not in fear of injury either to himself or to a mem-

ber of his family, without regard to what reasoning leads the accused to make the plea, similarly the sole legal issue before a hearing officer was whether renunciation was a voluntary and comprehended act.

The Department of Justice mission arrived at Tule Lake on January 11, 1945. A special office building outside of the inner fence of the center was made available which consisted of a large waiting room, five hearing rooms and a stenographer's room. The War Relocation Authority made available to the mission two Caucasian interpreters, both of whom were women who had served as school teachers in Japan. The mission was also assigned one guard in the building and another guard to drive renunciants in an automobile from the gate to the building. The procedure which was followed was that the Department of Justice staff would, from the list of persons who had applied for permission to renounce, prepare a calendar or schedule of persons to be heard 24 hours in advance. This list would be given to the internal security officers of the War Relocation Authority. They would inform the applicants that their cases would be heard on the following day at an approximate time. Each applicant would then present himself at one of the gates and in course would be let through the gate and driven by automobile to the hearing building. He would then come into the waiting room and would be given a number by the clerk. When his turn came he would be escorted alone to one of the hearing rooms where there would be present the

hearing officer, the stenographer and, if necessary, one of the Caucasian interpreters above referred to. With the exception of a few cases where women found it necessary to bring children with them, no person of Japanese descent other than the renunciant was ever permitted in the hearing room. On a few occasions more than one hearing officer would be present during a hearing and in at most twenty cases out of the more than 5,000 hearings held an anthropologist employed by the War Relocation Authority, Dr. Marvin Opler, was present. So far as I am aware, no other employee of the War Relocation Authority was present at any hearing. Although the lengths of the hearings varied from a few minutes to more than an hour and although the line of questioning was varied, where there was no particular information desired by the hearing officer for policy or security reasons and where the case appeared usual, the practice was for the hearing officer first to obtain the necessary statistical facts, such as name, place of birth and the like, from the renunciant and for the officer then to show the renunciant his application for permission to renounce. In each case the officer inquired whether the signature was that of the applicant and then asked the applicant why he had signed it. He was then asked in each case whether he signed it of his own free will or whether he had been instructed or ordered to sign. There then followed a period of questioning designed to explore the renunciant's reason for desiring renunciation, both in an effort

to detect coercion and to make sure that the legal effect of the act was clear. When this examination was complete the renunciant would be shown the final form and asked whether he understood it. If he did, he would be shown where to sign the form and once more told that it was his own choice and that no one could require him to sign. He was also told that if he did sign he would forever cease to be an American citizen or to be entitled to any of the rights of citizens and that he would in all probability be returned to Japan at the close of the war. He was further told that if he did return to Japan he would in all probability never be allowed to return to the United States. When these matters had been made clear the hearing officer would either endorse his recommendation of approval of the renunciation as not contrary to the interests of national defense or, in a few cases, would dictate a memorandum indicating that the case should be further reviewed in Washington. Although in the cases of three Japanese accorded renunciation hearings in Hawaii and three or four cases of persons not of Japanese ancestry and having no relation to the instant cases, the Attorney General has authorized renunciation hearings to be held by other officers, no person of Japanese ancestry has ever renounced his citizenship in the continental United States before any hearing officer other than affiant, Charles N. Rothstein, Joseph J. Shevlin, Ollie Collins or Lillian C. Scott. Every renunciation hearing conducted by any of these

persons followed the general pattern stated here. Every renunciation hearing was taken down by a stenographer and, to the best of my knowledge and belief, was transcribed and the transcript is contained in the files of the Department of Justice.

In no hearing which I personally conducted was there any evidence or indication whatever of coercion or duress. In no hearing which was ever reported to me by any of the above named hearing officers or by anyone else was there any such indication. To the best of my knowledge and belief there was no claim of duress, as that term has ordinary legal significance, in any of the more than 5,500 renunciation hearings conducted at Tule Lake. In about two hearings conducted by me and in a few others of which I was told, the applicant stated that he had signed the first form at the request of a parent but that he did not in fact desire to renounce. In each such case the applicant was not given the final form to sign and the hearing was forthwith terminated.

Upon my return to Tule Lake early in January 1945, I at once observed that the tension among the persons confined in the center had greatly increased since the middle of December and that the situation generally had deteriorated. The activities of the openly disloyal persons were more flagrant and the demand for quick renunciation had increased. Prior to my arrival, an announcement had been published in the center newspaper to the effect that applications for permission to renounce and correspond-

ence with the Department concerning renunciation might be addressed to me at Tule Lake. By the time of my arrival, over 1,000 pieces of mail had been addressed to me registered mail, return receipt requested, at the center from persons confined therein, thus causing a temporary breakdown in the postal system. While some of these were merely requests for application forms or application forms themselves duly filled in, many of these thousand pieces of mail contained requests to be heard out of order and in advance of others. Substantially all of these letters were courteous in tone but insistent as to the writer's urgent desire to become a renunciant and to abandon United States citizenship. In addition to these registered letters, very many other pieces of mail were addressed to me at the Tule Lake Center at this time.

I learned that the disloyal young men's organization had increased its activities and had promulgated a rule that its members should have their heads shaved. Although all of its officers had been removed to an internment camp in New Mexico on December 27, 1944, by early January the entire hierarchy of officers had again been filled, which involved fifty individuals. The hierarchy of officers of the older disloyal organization had also been replaced. In addition to requiring shaven heads, the young men's organization had now embroidered a Rising Sun on the breast of the white sweatshirt which constituted a part of the uniform. In conjunction with the Rising Sun, there were stenciled some Japanese

characters in black ink which represented a patriotic slogan. The patriotic exercises were being conducted more regularly and, on the first Sunday after I returned to Tule Lake, the young men's organization, having learned in which part of the administration's quarters I was living, arranged to hold its Sunday ceremonies, complete with a corps of buglers, at that point of the fence nearest my room.

At this time I also learned that the older disloyal organization had for sometime been putting out a paper in Japanese having as its title a word which can be translated approximately as "fatherland". This paper, which was mimeographed at regular intervals, contained much material glorifying the Japanese Army in its war aims and asserting loyalty to the Emperor. One article referred to the war between the United States and Japan as a holy war.

At the time of my second return to Tule Lake, the young men's organization prepared and furnished me a list which purported to be its membership list. During the succeeding weeks substantially everyone whose name appeared on the list was questioned and substantially each person on the list admitted his membership and his adherence to the principles of the organization. Substantially every person on the list appeared before the hearing officers dressed in the sweatshirt already described having the Rising Sun embroidered on the breast. Each such person had his head shaven and

the hearing officers were informed, whenever the question was asked, that the shaven head was the symbol of the Japanese soldier. In a few cases it was established that there was a mistake in names and in a number of other cases it was stated that the member had resigned. In no case, however, of which I have knowledge did the renunciant assert that his name had been placed on this list because he had been coerced or forced in any manner to join the organization. On a number of occasions persons stated or wrote in indicating that they had resigned from the organization and the files of the Department of Justice contain at least five letters from the officers of the association informing the Department of Justice mission of deletions from the membership rolls due to resignations. In no case of resignation was it suggested in any manner that any harm was inflicted on the resigner.

Since it was deemed important to minimize the influence of the disloyal organizations and to terminate military drilling in a species of uniform preparatory to service in the Japanese Army, it was at once determined that the entire second list of officers of both organizations should be removed and interned as soon as practicable. Accordingly, the hearing officers set about giving hearings to this second group and, pursuant to an approval of renunciation by the Attorney General and authorization of apprehension, the second group of officers was removed to Department of Justice internment camps on January 26, 1945. Thereafter, and with



substantially no delay, a complete third slate of officers was elected and the Department of Justice was informed at this time that the organizations contemplated continuing to elect officers so long as the Department of Justice continued removing them. Since the organizations had by now survived the removal of two complete sets of leaders, it became evident that they had broad support and were not the work of a few fanatics. It was, therefore, determined, after telephonic consultations conducted by me with my superiors in Washington, that the entire membership of the militant young men's organization should be removed and the hearing officers were, accordingly, directed to hear first the cases of persons on this list. About 650 members of the organizations were removed on February 11, 1945 after processing as described above, and about 125 more were moved on March 4, 1945. By this time all the leaders and all of the members who were active members on the list furnished in January 1945 had been removed. In addition, several sets of the leaders of the older disloyal organization had been removed, as well as the writers for the "fatherland" magazine above described, the *teach* of the Greater East Asia School, teachers at a number of other Japanese Language Schools who had been found to be active in pro-Japanese propaganda, and a number of Buddhist priests who had been active in propaganda. It was hoped that at this time when the leadership of the pro-Japanese group had been removed that there would be a sub-

stantial withdrawal of applications for renunciation. This movement did not take place, however, and substantially everyone who applied for renunciation went through the process which continued for sometime after the last of the leadership group had been removed. It would be incorrect, however, to state that all of the members of the young men's group were removed since, as renunciation was only permitted for boys and men of the age of 18 or over, younger boys who remained took up when their older brothers were removed and blew the bugles and drilled for Japan. Similarly, since no women were removed, a women's organization was started which joined the boys in Sunday morning drilling.

The statute authorizes the Attorney General to disapprove renunciation only if it appears contrary to the interests of national defense. The Army had determined that it would not accept any men from the Tule Lake Center and the Selective Service System at the time of the hearings was making no effort to induct any males of Japanese descent from the center. It thus appeared that there was no problem of national defense in any of these cases and, indeed, in no case did it appear that the interests of national defense required disapproval and, therefore, there was no case in which the Attorney General could properly have disapproved renunciation on any ground providing that it was uncoerced and understood. The residents of the center, however, failed to understand this and be-

lieved that there was some discretion or option lodged in the hearing officers. For this reason they appeared most anxious to persuade the hearing officers of the necessity of permitting their renunciation and, to do this, they made extreme claims of loyalty to Japan. Because of this it frequently became impossible to conduct a frank and free examination of the renunciant's state of mind and became useless to ask many questions which would otherwise have been of interest. For example, it was observed that if the renunciant were asked his opinion of the Emperor he would usually, if not always, leap to his feet and stand at rigid attention and then assert that he regarded the Emperor as the Living God. Similarly, substantially every renunciant who was asked stated that he believed that Japan would win the war and that he hoped for this result. Despite this tendency of the answers to become stereotyped in an effort to persuade the hearing officer of the active disloyalty of the applicant, the hearing officers in every case were able to ask enough questions to make sure that the applicant understood the nature of renunciation and that it was the applicant's desire not only to sign the application form but to persuade the officer that the applicant was actively disloyal to the United States and that his application should, accordingly, be approved.

On the occasion of my second trip I remained in Tule Lake for nearly three weeks. During this time I arranged the procedures and conducted some hear-

ings myself. A great deal of my time, however, was spent in discussing with various officials of the War Relocation Authority and of the Army detachment there the reason for the very great rush of persons to renounce. Estimates as to the number of persons who would renounce had been made prior to the enactment of the statute by various officials ranging between 500 and 2,000. Even during my first trip to Tule Lake in December 1944, it was not expected by anyone that, of the 7,000 citizens over 18, over 5,000 would renounce. Yet this number of applications for renunciation flooded in at the time of my second trip. This caused concern both in Tule Lake and in Washington and I devoted considerable effort to endeavoring to understand the reasons for this development since it was hoped that in some way this flood might be stopped and some of those persons who were not in fact disloyal but merely disgruntled might be dissuaded from throwing away their citizenship. Accordingly, I talked at great length with Mr. Ray Best, the Director of the center, Mr. Louis M. Noyes, the War Relocation Attorney at the center, the Chief of the Internal Security Guard, to many of the guards themselves, to the Colonel commanding the troops stationed immediately at the camp gate, to his security officers and to many other experienced persons at the center. I also talked to the head of the War Relocation Authority's regional office in San Francisco and, upon my return to Washington, I talked to Mr. Myer, the Director of the War Relocation Author-

ity, and his subordinates. At Tule Lake I particularly talked also to Dr. Marvin Opler, an anthropologist who was employed by the War Relocation Authority as what was called a "community analyst," whose job was solely to gather social information concerning the community and to report on community trends. On this job he had a staff of persons of Japanese ancestry living in the community and reporting to him on developments. I also talked to ministers and social workers and doctors and to Miss Rosalie Hankey, an anthropologist employed by the Evacuation and Resettlement Study under the auspices of the University of California and who, not being a Government representative, was able to talk to the residents of the center and to meet less reserve and resentment. Both in Tule Lake and in Washington, in addition, I read many of the reports filed on Tule Lake from sometime prior to the commencement of the renunciation hearings up to and including that period.

Although the opinions of the various officials and others differed widely as to the social considerations leading to renunciation and as to the proper policies to pursue, no official at this time ever stated or suggested to me in any way that coercion, as that term has been understood in the law for centuries, was a factor of any significance. It was the universal opinion that the population of the Tule Lake Center, consisting as it did of 18,000 persons taken from their normal homes and occupations, and placed in a wired-in area of about six square miles of black

volcanic ash, and living in uncomfortable black tarpaper barracks, under a pall of black smoke in winter and ash and dust in summer, with wholly inadequate occupation to keep them busy, and with substantially no effective control by the Government as to what activities were carried on inside the fence, had become highly emotional and excited. It was universally agreed that the rush toward renunciation was illogical and unreasoned and that many of the young men who were now marching up and down between the barracks with the Japanese emblem stenciled on their sweatshirts had been, before the war, loyal American citizens and that the asserted loyalty to Japan was often a kind of hysteria. It was a commonplace witticism among the officials of the center at the time of these hearings that the population of the center was largely mad and that the center might properly be taken from the management of the War Relocation Authority and transferred to the Public Health Service to be run as a species of mental institution. All of the discussion and speculation as to the reason for the unforeseen volume of renunciation related to the reason for this hysterical public behavior and none of it related to coercion and it was never suggested contemporaneously in any way that it might be due to coercion.

It is true that there were extensive rumors of the use of force within the center. During the summer of 1944 one person of Japanese ancestry who had been prominent in assisting the administration

as murdered and this murder was not solved. While it was believed by some that the motive for the murder was disapproval of decedent's prominent pro-administration activities, Mr. Best informed me that the most probable explanation was that the man was murdered because of improper relations with another man's wife. In addition to this, there were a number of stories of beatings and of threats thereof. These, however, related to struggles for political leadership and did not relate to private behavior. Thus, there is no doubt but that, had strong leadership arisen contrary to the leadership of the young men's organization and opposed to renunciation, the struggle as to who should lead the young men might have led to the use of physical force. At no time while I was at Tule Lake, however, was it suggested to me by any one that physical force or its threat was being employed against persons who did not aspire to leadership but who merely themselves did not desire to renounce. In this connection it may be recalled that about 1,500 persons eligible to renounce did not do so and that many persons openly resigned from the disloyal organizations and yet no record of physical violence in connection therewith came to the attention of the authorities. What is said here concerning my observations and conversations with persons familiar with the Tule Lake scene relates with equal force to the reports filed with the War Relocation Authority by officials at Tule Lake and reviewed by me for the Department of Justice. Not any of the

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contemporary reports which I have seen assert that coercion was a significant factor in renunciation.

At the end of January 1945 I left Charles M. Rothstein in charge of the Department of Justice mission at Tule Lake and returned to Washington and again reported in full to my superiors describing especially the mass hysteria prevailing among the residents and the fanatical expressions of loyalty to Japan which followed it, as well as the great number of persons seeking to renounce. At this time some discussion was had as to possible measures to prevent renunciation at that time, such as the suspension of hearings, but it was the ultimate determination of the responsible officers of the Department that Congress had provided that persons who in time of war desire to renounce their citizenship may do so provided only that the Attorney General might disapprove if he found that the renunciation was contrary to the interests of national defense. It was decided that since no such consideration existed in the present cases the Department of Justice was without authority to proceed otherwise than to carry out the law and to permit renunciation by all persons who understood what they were doing and wished to do it. Although it was felt that there was a state of great excitement among the residents, nevertheless it was thought that that excitement was not of a character (such as insanity) which could be given legal effect. With respect to those cases previously discussed in which the hearing officer felt that the renunciants

was in fact Americanized and was acting solely out of resentment at evacuation or some similar motive and in which the hearing officer desired that a further review as to policy be conducted in Washington, a disagreement arose among the responsible officials and no decision was made at that time as to the disposition of the cases, and they were merely set aside. These cases were not acted on before Attorney General Biddle and Assistant Attorney General Wechsler left the Department and, in fact, had not been acted upon as of the date of my leaving the Department, June 3, 1946.

Following my departure from Tule Lake, Charles M. Rothstein continued to receive renunciations until the list was completed on March 17, 1945. A number of renunciation applications came in thereafter from Tule Lake and Mr. Rothstein again went there in July 1945 and held additional hearings. Although additional persons deemed undesirable by the War Relocation Authority were interned at the request of that agency by the Department of Justice during June and July 1945, the Department of Justice had completed its removal of disloyal persons it considered troublemakers by March 4, 1945. Thereafter, there was substantially no move to withdraw or cancel renunciation until June 1945, in which month a number of applications came in. None of the first applications asserted that the renunciation had been made under coercion but appeared to assume that, since renunciation was a voluntary matter, its cancellation would likewise be.

Form letters were written to such persons explaining that it was not within the power of the Attorney General to restore citizenship once lost through renunciation and that the renunciation itself was valid because it had been made in the absence of coercion and with a clear understanding of what was being done. Thereafter, the tenor of the letters seeking cancellation of renunciation changed and careful statements concerning coercion were made in many of them. In this connection it was noted that persons who at the time of their hearings could speak little or no English and who, according to the files of the Department of Justice, had substantially no American education, at this time appeared as the purported authors of letters containing arguments previously advanced by members of the War Relocation Authority staff or by members of the families of that staff couched in English to be expected of educated persons.

Although 3,557 persons are plaintiffs in the instant suits or have otherwise now indicated a desire to withdraw their renunciation of citizenship, as of the sixth day of August, on which the atom bomb was dropped on Hiroshima, very few had written to the Department of Justice indicating a desire for withdrawal, and even the Japanese surrender did not start the great rush away from renunciation. Thereafter, however, counsel for the plaintiffs arrived at Tule Lake in person and was retained by some of the plaintiffs herein. This set off a chain of reactions said by competent observers to be closely

parallel to the rush toward renunciation in December 1944 and January 1945. Groups were set up to encourage persons to join in the suits and much the same social rush to be listed as a plaintiff in the instant group of suits arose as previously had arisen to be listed as a renunciant.

As has been said, none of the contemporary statements made by responsible War Relocation Authority officials at Tule Lake indicated a belief that coercion was a significant factor in renunciation and none of the contemporary reports which I have seen indicates this. It came to be the opinion of some of the persons in the War Relocation Authority, however, in the spring and summer of 1946 that coercion was a factor although it is not clear that these persons also understood what the word "coercion" means in contemplation of law. The development of this opinion held by officials not responsible for the conduct of the hearings and who, with one exception, did not attend any hearings may be viewed in the light of the fact that at the time of the hearings and thereafter until the cessation of hostilities it was believed by all responsible officials of the Department of Justice that all renunciants would have to be detained for the duration of the war and that they would thereafter be repatriated to Japan. This belief was communicated to Dillon S. Myer early in the program and he and his subordinates strongly disapproved of it, feeling that it would be possible and desirable to relocate renunciants in the United States at an

early date. This and other differences of view between the War Relocation Authority and the Department of Justice gave rise to a disapproval by the War Relocation Authority of the renunciation program generally and, when it became apparent that the only way in which renunciation could be set aside was by proof of coercion, it came to be thought by some members of the War Relocation Authority's staff that the renunciations had been coerced. At the time that this view was formulated, a parallel view was expressed in parallel phraseology by persons of Japanese ancestry desiring to set aside renunciation.

A letter to a private citizen signed by Mr. Abe Fortas, then Under Secretary of the Interior, has been annexed to a pleading in this case and has been stricken as improperly pleaded. This letter, of which Mr. Fortas has assured affiant he has no present recollection or knowledge, contains a statement that the very high percentage of renunciations among those eligible to renounce was brought about by the disloyal organizations, hereinbefore described. This statement contains a major ambiguity. It might mean either that the organizations forced or coerced the renunciations or that they crystallized a spirit of loyalty to Japan and disloyalty to this country which led to renunciation. If the letter is given the first meaning, then it is at variance with all of the contemporaneous statements made by the War Relocation Authority's own staff on the scene and all of the contemporaneous reports of that staff

insofar as affiant is familiar with them. It is also at variance with the experience of the hearing officers who in fact conducted the hearings and which is recorded in more than 5,000 stenographic transcripts of hearings. If, however, the statement is given the second meaning, then the letter is not very far from correct since the organizations unquestionably had an important place in whipping up sentiment in favor of Japan and in favor of renunciation. The crystallization of sentiment in favor of an ideal, however, is a far cry from legal coercion to do a specified act. By way of illustration, it may be said that the churches of the various denominations throughout the nation are unquestionably a major source of devotion to religion, yet no one would suppose that ministers and priests coerced the members of the congregations into church attendance. Based on many extensive observations of conditions at Tule Lake, it is my belief that the organizations played an important role in providing leadership for Japanese patriotic sentiment. It is my belief that this is substantially the only relevant function performed by the organizations. Their members may have used force to maintain control of their own organizations. They did not use force to augment their membership. In concluding this section of the affidavit, it may be pointed out that Mr. Fortas has not only never conducted or attended a renunciation hearing but, insofar as the affiant is aware, has never been within the gates of the Tule Lake Center.

It is asserted in the amended complaint that the Commanding General, Western Defense Command, affirmatively found as a fact that each renunciant at Tule Lake was loyal to the United States and presented no threat to the peace and security of the United States. The basis of this argument presumably is that on December 19, 1944 he lifted the general ban on all persons of Japanese ancestry within the Pacific Coast area and excluded only specific persons by individual orders, that he did not serve individual exclusion orders upon renunciants and that, therefore, he found them safe to permit back upon the Coast. It is within my personal knowledge that this argument is fallacious and that no such finding was made by the Commanding General. At the time that the Commanding General determined to reopen the Pacific Coast area to all except individually-named persons of Japanese ancestry, he determined to prepare a list of individuals as to whom there was information sufficient to form a basis for the judgment that that individual should not be permitted to return. This was to be done by means of transferring all of the security information which had been secured from various Government agencies and filed in the headquarters of the Western Defense Command at the Presidio in San Francisco into punched Hollerith cards and to determine in advance what security information was sufficient to warrant the preliminary classification of individuals as excludable. The list was then to be prepared mechanically. Persons



on such a list were then to be given hearings by Boards of Officers and recommendations were then to be made to the Commanding General and the decision was to be made by the General personally. At this time a request was received by me for the Department of Justice from officers of the Commanding General's staff for lists of all persons who had applied for permission to renounce their citizenship. It was contemplated that this information would be placed on the cards and that each individual who had made such a request would automatically be placed on the exclusion list. I did not furnish the information at that time but subsequently after discussion with Attorney General Biddle and Assistant Attorney General Wechsler, I called upon Brigadier General Wilbur, Chief of Staff, Western Defense Command, and assured him that the Department of Justice would cause the internment of every person of Japanese ancestry who renounced his citizenship for the duration of hostilities and that, accordingly, no military problem existed since no renunciant would be at liberty within the United States. For this reason, the General agreed to withdraw the request for names. This inter-departmental agreement was on several occasions renewed by my superiors and it was at all times explicitly understood, both in the Western Defense Command and in the Department of Justice, that the sole reason why exclusion orders were not issued to the renunciants was that an exclusion order was not necessary since they would

be excluded by the Department of Justice by the fact of internment.

Not only did the General not consider applicants for renunciation eligible for return to the Coast during wartime but also he contemplated preparing a list of all such applicants and some citizens in addition and recommending to the Attorney General that persons whose names appeared thereon be detained during hostilities. It was only as a result of the agreement to detain all renunciants that the General was persuaded to refrain from recommending the detention of a larger list of persons including many citizens.

As has been stated, affiant is of the opinion that there were many motives which led to renunciation. The most obvious one was a genuine disaffection with the United States and loyalty to Japan. As has been said, there were 2,000 or more Kibei who had been brought up entirely in Japan and who had no experience with American life whatever. Particularly in view of the sentiment of the population of the coastal states regarding persons of Japanese ancestry which prevailed during hostilities, it is not surprising that many Kibei felt that they had no chance for life in the United States and that they might as well return to the country to which they were accustomed. Feeling that, it is not surprising that sentiments of loyalty to the country to which they were bound, both by ancestral ties and by cultural and educational ties, sprang up. In addition, it may be remembered that over

100,000 persons were evacuated and that generally those who were most loyal to Japan were distilled out into one group. The loyalty questionnaire of 1943, the segregation hearings and segregation itself had had some tendency to separate out from the general group those who were disloyal. This separating process had continued at Tule Lake and it would not be surprising if out of the 100,000 persons of Japanese ancestry evacuated, some 2,000 or more, including Kibei, genuinely felt loyal to Japan. Granted the existence of a nucleus of Japanese loyalty, it is furthermore not surprising that agitators and leaders acting in what was for all practical purposes a concentration camp managed to instill and fan sentiments of Japanese loyalty in young men who had been brought up in American schools to believe that all men, including themselves, were created equal, only to learn that this principle of the Declaration of Independence did not apply to them.

Although feelings of loyalty to Japan undoubtedly were important, it is affiant's opinion that by far the most significant cause of renunciation viewed from the point of view of numbers was the announcement to which reference has already been made that the center was to be closed within one year. It should be recalled that the War Relocation Authority gave printed statements to all persons arriving at its centers in 1942 that the centers were to be available as shelters to their residents throughout hostilities. In 1943 the War Relocation Author-

ity went further in relation to Tule Lake and informed segregants that they could find a home there until they could be returned to Japan. The attitude of many of the Tule Lake residents prior to the closing announcement was that they had been asked by the Government to decide whether they wished to be relocated in the United States or to be sent back to Japan when practicable and that they had decided in favor of a future in Japan. Their attitude further was that, having made that decision and having accepted the stigma of disloyalty, they had rendered themselves incapable of returning, particularly during wartime, to life in the United States outside of a War Relocation Authority center. Although prior to the lifting of the general ban the residents of Tule Lake were in fact detained there by barbed wire and sentries and although the lifting of the ban meant that all those not specifically named for detention were free to go out, there was no demonstration of a sense of joy at this sudden freedom but, on the contrary, there were wide-spread expressions of dismay and anger and very few did leave for some months. When this announcement was followed immediately by a further announcement that the center was to close within a year the utmost dismay was created since it appeared that these persons would be forced out into the general community of the West Coast during hostilities branded as disloyal and with no place whatever to go. It should be noted that at the time of the announcement the war with Japan

was still in process, and there was no clear indication that it would be over within a year. It is the opinion of affiant that it was this announcement made on or about December 20 which led to the great rush to apply for renunciation which reached the mail rooms of the Department of Justice on December 26th.

It is relevant to point out that the notice that the War Relocation Authority centers were to close in a year caused concern not only at Tule Lake but elsewhere. Distress over the center closing program was created in the other centers and in February 1945 delegates from all the centers met in Salt Lake City, Utah and adopted resolutions calling for the rescission of the closing order. Strong pressure from residents of the centers to induce the Government to keep the other centers open continued until the surrender of Japan.

Upon my second arrival at Tule Lake in January, I at once observed that the threatened closing of the Tule Lake Center was having the effect described and I, therefore, conferred with Mr. Best, the Director of the center, who agreed and both of us reported to our superiors recommending a withdrawal of the announcement. The War Relocation Authority, however, did not do this but instead announced that the center would not be closed within one year, that residents could remain at the Tule Lake Center or some similar center until January 1, 1946 and that plans for a segregation center beyond that date had not been completely worked out. At

this time a rumor became widespread in the center that the Department of Justice would operate the segregation center, if any, which was to be kept open after January 1, 1946. Since the Department of Justice was thought to have authority only to operate internment camps, it followed that, in order to remain in a camp, it would be necessary for one to become subject to internment as an alien enemy. It is affiant's opinion that about half of all renunciations are attributable to this factor alone.

A related factor is that of the draft. Whatever the loyalty of the citizen children may have been, it cannot be doubted that many of the alien parents who in 1943 determined to take their children back to Japan at this time felt loyal to that country. Understandably, they were most concerned over the possibility that their sons might be drafted into the American Army, particularly in view of the very heavy casualties encountered by the widely publicized Japanese-American combat organizations in Italy. The announcement that the center might be closed and the lifting of the general ban on persons of Japanese ancestry gave rise to a rumor that men of draft age were once more to become subject to induction. It is affiant's belief that a very considerable number of renunciations came about either because the renunciator himself feared he would be drafted if he did not renounce or because his parents persuaded him to renounce because they feared that result.

Another factor of great importance is family

loyalty. As has been said, a rumor was in circulation that all aliens at that center were to be repatriated. There was substance to this rumor to the extent that most of the aliens had gone to or remained at the center as a result of requests for repatriation. It was believed by many officials of the Department of Justice and of the War Relocation Authority that repatriation of this group of aliens would be ordered after the war. In addition, an announcement by the Japanese Government looking to additional exchanges during the war was published in the middle of January 1945 in the newspapers which freely circulated in the center. Aliens who expected to be repatriated, therefore, were concerned over the possibility that their American citizen children might either be drafted or forced to relocate in the United States and that they might forever be separated. The idea was circulated that, since aliens were to be repatriated, they would be interned by the Department of Justice and permitted to stay in some camp, whereas citizen children would not be interned, which again would work a separation. On the other hand, renunciation would put all members of the family in the same group and thereby avoid this danger. In this connection it may be said that many authorities believe that family ties and filial obedience are unusually strong in Japanese culture. Those citizen children who had become sufficiently Americanized not to feel this tie had either caused their parents not to accept Tule Lake in the first place or had

left their parents and had relocated. By and large, it was those children who were more dependent on their parents who had gone to Tule Lake and it is not surprising that to some extent it was they who accepted parental instructions to renounce in order to preserve the family unit. Pressure for renunciation was particularly strong in the case of eldest sons who, in Japanese culture, are responsible for caring for the parents and maintaining the family. If parents believed that they would be repatriated, this would constitute an additional reason for the son's renouncing his citizenship.

It is also affiant's opinion that in the case of any citizens who expected to go to Japan to live permanently renunciation was thought desirable in order to have a record of pro-Japanese loyalty and activity with which to establish oneself in Japan.

A further factor which increased the fear of forcible expulsion from the camp and also increased determination to go to Japan was the exaggeration of reports of atrocities committed against persons of Japanese ancestry returning to their pre-war West Coast homes. In addition to those incidents which did in fact occur, there were numerous rumors, circulating in the camp, of families burned alive in their houses, and the like.

Another factor was a sense of pride in consistency and in determination to adhere to a decision earlier made. Although it is generally agreed that the loyalty questionnaire of February 1943 was submitted to and filled out by the occupants of the



centers in conditions of great confusion, nevertheless affiant believes that some who answered in the negative felt that having publicly adopted that position they would lose prestige by failing to adhere later to a pro-Japanese position.

Lastly, it is affiant's opinion that an entirely irrational mass hysteria activated the people to a very great extent. There were in the center 18,000 persons with wholly inadequate work or occupation, living under not cruel but certainly unpleasant circumstances. The center had no dividing fences or walls and the people were free to do substantially whatever they liked within the outer fence, which had a perimeter of over five miles. While there were Caucasian staff members in the center during working hours, there were substantially no staff members inside the fence during the evening and at night and during Sunday except a few guards patrolling in automobiles. Although there was some entertainment, there was not much. These people had been in detention for 2½ years and inside the Tule Lake fence for more than a year. Although they had access to newspapers and magazines, to a very great extent these were disbelieved as American propaganda. Rumors of the most foolish or fantastic nature circulated widely and were given wide credence. For example, during these hearings it was generally believed that General MacArthur was being permitted to advance into the Philippines so as to entrap his Army and most of the fleet. When this General broadcast from Tokyo follow-

ing the surrender, the fact that he was in Tokyo was cited as evidence not that Japan had surrendered but that the General had been taken prisoner. When in October 1945 the Military Police were withdrawn from the center and the duty of guarding it was transferred to the Boarder Patrol of the U. S. Immigration and Naturalization Service, it was rumored that at noon on that day the American flag was to be run down on the flagpole and the Japanese Army, which was marching southward from the Columbia River, would march in and hoist the Rising Sun. Given all these social conditions and a group of 18,000 substantially idle persons, most of whom had suffered racial discrimination for years and who had just been the victims of what must have appeared to them as the most outrageous incident of racial discrimination in American history, it was foreseeable that a state of very great emotional excitability would be created. Given further a nucleus of genuinely pro-Japanese leaders, it seems, at least in the light of hindsight, also foreseeable that this group could be whipped up into a sort of hysterical frenzy of Japanese patriotism. In fact, it was to be expected that boys from 18 to 20 having little or nothing to do would adhere with great fervor to some cause and, since the cause perforce was Japanese, it was expectable that they would shave their heads to emulate Japanese soldiers and wear a uniform with the Rising Sun on it and engage in drilling and Japanese ceremonial exercises. Indeed, these Japanese pa-

triotic activities carried on by these persons behind barbed wire fences may be likened to a very high degree to the hysterical "yammering" which sometimes occurs in ill-run prisons.

In view of the fact that, of the more than 5,000 persons who received the careful hearings above described, not one asserted that he was being coerced into renunciation, in view of the fact that no incident relating to coercion came to the attention of the Department of Justice mission which was explicitly instructed to be on the alert to observe any such incident, and in view of the fact that no Government official in any department asserted that coercion was a significant factor until months after the fact and, finally, in view of the fact that no important volume of withdrawal of renunciations took place until the outcome of the war was a moral certainty, affiant is of the opinion that substantially none of the renunciations was brought about due to coercion in the sense that the renunciator did not wish to renounce his citizenship but nevertheless signed the form because he was afraid that if he did not physical injury would be inflicted upon him or upon his family. Affiant is further of the opinion that substantially no renunciation took place because of any kind of threat or intimidation other than parental instruction.

It is patent, however, that all renunciators at Tule Lake were confined in a concentration camp at the time they renounced. Realistically, either they or their parents had chosen to go there, but neverthe-

less, at the time of that choice, they had been in another concentration camp. The only choice was whether to remain in a relocation center with the hope of relocation in a part of the country other than that where their home was or to proceed to the Tule Lake Center for segregation during the war. It is also true that no court has ever passed upon the constitutionality of detention at Tule Lake. It is also patent that there was existing at Tule Lake at the time described a very high degree of excitement whipped up by organizations admittedly extremely pro-Japanese. It is also true, as has been stated, that most of the renunciations took place at the time when the renunciants and their families were in extreme fear of being forced out of the center into a hostile community and when they believed that the only way of making sure of protective detention during the war was to make themselves eligible for Department of Justice internment. If these factors and this hysteria render the act of renunciation by persons detained under these circumstances void, then the renunciations are void. If the court is now to hold that the totality of the circumstances described in this affidavit constitutes coercion, then these renunciations were coerced. If, however, the court rules that if a man or woman, of whatever race and however badly treated by the community, refuses to assert his loyalty in 1943 and, in practical effect, voluntarily accepts segregation and thereafter applies in writing for permission to renounce his citizenship and still thereafter

files a second form asking for permission to renounce and still thereafter appears before a hearing officer and asserts loyalty to Japan and disloyalty to the United States in time of war and, in the absence of any fear of immediate injury to himself or to his family, has performed a formal act of renunciation within the scope of the statute which was passed by Congress for the precise purpose of permitting the very renunciations here in question is to be held accountable for his actions, then these instant renunciations are not void and were not coerced. It may be said that the hardships inflicted upon these persons were very great and that the hysteria and mental confusion was likewise great. It must also be considered, however, that the obligation and significance of citizenship is great and when, in time of war, one voluntarily, with full understanding, casts that citizenship aside and asserts loyalty to the enemy, that constitutes a legal act which should not lightly be set aside. In affiant's opinion, it is a legal act which cannot be set aside by recourse to any existing legal concept. Such renunciation could not be set aside as a result of a determination that legal coercion existed but only as an expression of the regret of the American people over the original act of evacuation and detention. If the renunciations are ultimately set aside, in affiant's opinion, that ultimate decision will only be justified as a determination that the persons of Japanese ancestry resident on the Pacific Coast were so goaded that some of them took the foolish

step of renunciation and that, because the moral blame is ultimately elsewhere, these persons shall not suffer the legal consequences of their own acts. Whether this step should or will be taken is not within the purview of this affidavit. It is, however, affiant's belief that this analysis should be clearly understood.

/s/ JOHN L. BURLING.

Subscribed and sworn to before me this 8th day of November, 1946.

[Seal] /s/ JANE K. CASKEY,  
Notary Public.

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[Title of District Court and Cause.]

AFFIDAVIT OF  
CHARLES M. ROTHSTEIN

Charles M. Rothstein, having been duly sworn, deposes and says:

First, that he is now acting as assistant to the Director of Alien Enemy Control in the Department of Justice in charge of the administration of the renunciation program and has charge of and is personally acquainted with the records relating thereto; and that he was duly appointed a hearing officer by the Attorney General and was authorized to conduct examinations, take testimony and make recommendations to the Attorney General as to the basis for his finding, pursuant to Section 401(i) of the Nationality Act of 1940, as amended, as to

whether the approval of renunciation would not be contrary to the interests of national defense.

Second, that in his capacity as hearing officer, affiant arrived at the Tule Lake Segregation Center, operated by the War Relocation Authority, at Newell, California, on January 11, 1945, and that he did from this date and until the 17th day of March, 1945, conduct such hearings both under the supervision of John L. Burling and in a supervisory capacity after the departure of said John L. Burling from the Tule Lake Center.

Third, that he again proceeded to the Tule Lake Segregation Center during the month of July, 1945, and did again conduct hearings of petitioners for renunciation who had filed applications subsequent to his previous visit to said Center.

Fourth, that he has read the affidavit of John L. Burling, submitted in connection with the matter at issue, and that he concurs in such statements contained therein concerning which he has personal knowledge, namely,

1. those statements appearing in said affidavit which relate to the instructions given the hearing officers, including the affiant, by John L. Burling and,

2. those statements appearing in said affidavit which relate to the mechanical procedures evolved for the insurance of fair and private hearings and,

3. those statements setting forth statistical and other matters appearing in the records of the Department of Justice.

Fifth, that after the departure from the Tule Lake Center of said John L. Burling, no changes were made in either the instructions which he had given the hearing officers nor in the method of conducting the hearings.

Sixth, that the affiant knows of no instance wherein a recommendation for approval of renunciation was made to the Attorney General unless the hearing officer was thoroughly convinced that the petitioner genuinely desired to renounce, that he understood the nature and the consequences of his act and that his petition was the result of a voluntary action on his part and not one of duress or coercion.

Seventh, that although occupied with granting hearings, the affiant, nevertheless, acted as observer during hearings accorded by the other hearing officers and discussed problems and procedures with them to the extent that he is firmly convinced that every hearing was fairly conducted and that each hearing officer did his utmost to detect cases in which coercion or duress might be present.

Eighth, that while large numbers of the petitioners did appear for their hearings with their heads shaven and wearing the regalia of the nationalistic Japanese organizations which existed in the Center, and gave what appeared to be stereotyped answers to the questions asked by the hearing officers, all insisted that they had arrived at the decision to renounce individually and after due consideration.



Ninth, that although some petitioners gave what appeared to be frivolous reasons for their desire to renounce, large numbers of the petitioners asserted their loyalty to Japan and the Japanese Emperor.

Tenth, that although all the known leaders of the nationalistic Japanese organizations mentioned above, as well as a vast majority of the members of these organizations, had been previously removed to Department of Justice internment camps and others were openly withdrawing from membership in them, some two hundred persons at the Tule Lake Center did renounce their United States nationality during July, 1945.

Eleventh, that a stenographic record was made of each and every hearing, that these records have been transcribed and are now contained in the permanent files of the Department of Justice.

/s/ CHARLES M. ROTHSTEIN.

Subscribed and sworn to before me this Nov. 7, 1946.

[Seal] /s/ MARY R. McLEAN,  
Notary Public.

My commission expires Oct. 14, 1951.

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[Title of District Court and Cause.]

### AFFIDAVIT OF OLLIE COLLINS

Ollie Collins, being duly sworn, deposes and says:

First, that she was duly appointed as a hearing officer by the Attorney General and was authorized

to conduct examinations and take testimony and to make recommendations to the Attorney General as a basis for his finding, pursuant to Section 401(i) of the Nationality Act, as to whether the approval of renunciation of citizenship on the part of applicants for such renunciation would be not contrary to the interests of national defense.

Second, that in such capacity affiant proceeded to the Tule Lake Center, operated by the War Relocation Authority, at Newell, California, and conducted such hearings under the supervision of John L. Burling and Charles M. Rothstein, who were successively designated by the Attorney General to supervise, direct, and participate in the giving of such hearings.

Third, that at the said hearings the following procedures were required in all cases:

1. The rooms in which the hearings were given were located outside of the enclosure in which the applicants for renunciation and other persons of Japanese ancestry were detained (except in a limited number of emergency cases where hearings were given at the Center hospital or in the home of the applicant).

2. Each hearing was conducted in the presence of a stenographer who took a stenographic transcript of all questions and statements by affiant and by the petitioners for renunciation, respectively.

3. That the hearings were given individually, and at each hearing there were excluded from the hearing rooms all persons of Japanese ancestry

other than the individual petitioner (with the exception of infants and young children who were permitted to be brought in by a few petitioners upon request).

4. Each petitioner was specifically asked whether it was genuinely his desire to renounce his United States citizenship.

5. Each petitioner was advised fully of the consequences of his proposed renunciation and advised that it was not necessary to renounce in order to be repatriated.

Fourth, that in no case did affiant recommend approval of renunciation by the Attorney General unless she was convinced that the petitioner genuinely desired to renounce and understood the nature and consequences of renunciation, and that in each case where approval was recommended affiant was so convinced.

Fifth, that in the course of the hearings so given a very large number of petitioners volunteered, and even insisted, that their desire to renounce had been arrived at individually. No petitioner suggested in any way the existence of coercion or that their proposed renunciation was not voluntary.

Sixth, that a large number of petitioners asserted affirmative loyalty to Japan and to the Japanese Emperor.

Seventh, that a large number of petitioners appeared at the hearings with their heads shaven and wearing portions of the regalia of the nationalistic

Japanese organization which had grown up within the War Relocation Authority relocation center.

/s/ OLLIE COLLINS.

Subscribed and sworn to before me this Nov. 7, 1946.

[Seal] /s/ MARY R. McLEAN,  
Notary Public.

My commission expires Oct. 14, 1951.

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[Title of District Court and Cause.]

AFFIDAVIT OF JOSEPH J. SHEVLIN

Joseph J. Shevlin, being duly sworn, deposes and says:

First, that he was duly appointed as a hearing officer by the Attorney General and was authorized to conduct examinations and take testimony and to make recommendations to the Attorney General as a basis for his finding, pursuant to Section 401(i) of the Nationality Act, as to whether the approval of renunciation of citizenship on the part of applicants for such renunciation would be not contrary to the interests of national defense.

Second, that in such capacity affiant proceeded to the Tule Lake Center, operated by the War Relocation Authority, at Newell, California, and conducted such hearings under the supervision of John L. Burling and Charles M. Rothstein, who were successively designated by the Attorney General to

supervise, direct, and participate in the giving of such hearings.

Third, that at the said hearings the following procedures were required in all cases:

1. The rooms in which the hearings were given were located outside of the enclosure in which the applicants for renunciation and other persons of Japanese ancestry were detained (except in a limited number of emergency cases where hearings were given at the Center hospital or in the home of the applicant).

2. Each hearing was conducted in the presence of a stenographer who took a stenographic transcript of all questions and statements by affiant and by the petitioners for renunciation, respectively.

3. That the hearings were given individually, and at each hearing there were excluded from the hearing rooms all persons of Japanese ancestry other than the individual petitioner (with the exception of infants and young children who were permitted to be brought in by a few petitioners upon request).

4. Each petitioner was specifically asked whether it was genuinely his desire to renounce his United States citizenship.

5. Each petitioner was advised fully of the consequences of his proposed renunciation and advised that it was not necessary to renounce in order to be repatriated.

Fourth, that in no case did affiant recommend approval of renunciation by the Attorney General

unless he was convinced that the petitioner genuinely desired to renounce and understood the nature and consequences of renunciation, and that in each case where approval was recommended affiant was so convinced.

Fifth, that in the course of the hearings so given a very large number of petitioners volunteered, and even insisted, that their desire to renounce had been arrived at individually. No petitioner suggested in any way the existence of coercion or that their proposed renunciation was not voluntary.

Sixth, that a large number of petitioners asserted affirmative loyalty to Japan and to the Japanese Emperor.

Seventh, that a large number of petitioners appeared at the hearings with their heads shaven and wearing portions of the regalia of the nationalistic Japanese organization which had grown up within the War Relocation Authority relocation center.

/s/ JOSEPH J. SHEVLIN.

Subscribed and sworn to before me this 7th day of November, 1946.

[Seal]      /s/ MARY R. McLEAN,  
Notary Public.

My commission expires Oct. 14, 1951.

[Title of District Court and Cause.]

AFFIDAVIT OF LILLIAN C. SCOTT

Lillian C. Scott, being duly sworn, deposes and says:

First, that she was duly appointed as a hearing officer by the Attorney General and was authorized to conduct examinations and take testimony and to make recommendations to the Attorney General as a basis for his finding, pursuant to Section 401(i) of the Nationality Act, as to whether the approval of renunciation of citizenship on the part of applicants for such renunciation would be not contrary to the interests of national defense.

Second, that in such capacity affiant proceeded to the Tule Lake Center, operated by the War Relocation Authority, at Newell, California, and conducted such hearings under the supervision of John L. Burling and Charles M. Rothstein, who were successively designated by the Attorney General to supervise, direct, and participate in the giving of such hearings.

Third, that at the said hearings the following procedures were required in all cases:

1. The rooms in which the hearings were given were located outside of the enclosure in which the applicants for renunciation and other persons of Japanese ancestry were detained (except in a limited number of emergency cases where hearings were given at the Center hospital or in the home of the applicant).

2. Each hearing was conducted in the presence of a stenographer who took a stenographic transcript of all questions and statements by affiant and by the petitioners for renunciation, respectively.

3. That the hearings were given individually, and at each hearing there were excluded from the hearing rooms all persons of Japanese ancestry other than the individual petitioner (with the exception of infants and young children who were permitted to be brought in by a few petitioners upon request).

4. Each petitioner was specifically asked whether it was genuinely his desire to renounce his United States citizenship.

5. Each petitioner was advised fully of the consequences of his proposed renunciation and advised that it was not necessary to renounce in order to be repatriated.

Fourth, that in no case did affiant recommend approval of renunciation by the Attorney General unless she was convinced that the petitioner genuinely desired to renounce and understood the nature and consequences of renunciation, and that in each case where approval was recommended affiant was so convinced.

Fifth, that in the course of the hearings so given a very large number of petitioners volunteered, and even insisted, that their desire to renounce had been arrived at individually. No petitioner suggested in any way the existence of coercion or that their proposed renunciation was not voluntary.



Sixth, that a large number of petitioners asserted affirmative loyalty to Japan and to the Japanese Emperor.

Seventh, that a large number of petitioners appeared at the hearings with their heads shaven and wearing portions of the regalia of the nationalistic Japanese organization which had grown up within the War Relocation Authority relocation center.

/s/ LILLIAN C. SCOTT.

Subscribed and sworn to before me this Nov. 7, 1946.

[Seal]        /s/ MARY R. McLEAN,  
Notary Public.

My commission expires Oct. 14, 1951.

[Endorsed]: Filed Nov. 12, 1946.

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[Title of District Court and Cause.]

ORDER JOINING ADDITIONAL PARTIES AS  
PLAINTIFFS IN SUIT AND APPOINT-  
ING GUARDIAN AD LITEM

Upon reading and filing the stipulation dated November 18, 1946, of the parties to the inclusion of additional parties plaintiff in the above-entitled suit;

It Is Ordered:

(1) That each of the following named persons be and he or she is hereby joined as a party plaintiff to the above-entitled suit and that his or her said name be added as an adult plaintiff to the list of adult plaintiffs therein; Harry Masao Hamachi and May Yoshiko Yamashita;

(2) That the following named person is hereby joined as a party plaintiff to the above-entitled suit and that her name be added as a minor plaintiff to the list of minor plaintiffs therein; Mabel Yaeko Yamashita;

(3) That Harry Uchida is hereby appointed the next of friend and guardian ad litem of said Mabel Yaeko Yamashita, a minor, and said minor is hereby authorized to appear as a party plaintiff herein by the said Harry Uchida as her next of friend and as her guardian ad litem.

Dated: November 18, 1946.

/s/ A. F. ST. SURE,

U. S. District Judge.

[Endorsed]: Filed Nov. 18, 1946.

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[Title of District Court and Cause.]

PRAECIPE

To the Clerk of the Above-Entitled Court:

Please enter the defaults of the defendants, Raymond R. Best, as Project Director, Tule Lake Center, and Dillon S. Myer, as Director of the War Relocation Authority, and each of them, for heretofore having appeared herein but having failed to file herein a responsive pleading to the Complaint or to the Amended Complaint herein.

Dated: December 10th, 1946.

/s/ WAYNE M. COLLINS,

Attorney for Plaintiffs.

[Endorsed]: Filed Dec. 11, 1946.

In the Southern Division of the United States  
District Court for the Northern District of  
California

No. 25294-S (Consolidated No. 25294-S)

TADAYASU ABO, et al., etc.,

Plaintiffs,

vs.

TOM CLARK, etc. et al.,

Defendants.

No. 25295-S (Consolidated No. 25294-S)

MARY KANAME FURUYA, et al., etc.,

Plaintiffs,

vs.

TOM CLARK, etc. et al.,

Defendants.

PLAINTIFFS' AFFIDAVITS IN SUPPORT  
OF THEIR MOTIONS FOR SUMMARY  
JUDGMENT AND FOR JUDGMENT ON  
THE PLEADINGS AND TO STRIKE DE-  
FENDANTS' PLEADINGS AND IN OP-  
POSITION TO DEFENDANTS' CROSS  
MOTION FOR SUMMARY JUDGMENT

### Contents

Plaintiffs incorporate herein as affidavits in sup-  
port of their motions for summary judgment and  
for judgment on the pleadings and to strike defend-  
ants' pleadings and in opposition to defendants'

cross motion for summary judgment the following to wit:

1. The original Complaint filed herein by the plaintiffs on November 13, 1945, the same being verified by one of the plaintiffs for and on behalf of each and all of them, and being offered herein in lieu of filing separate affidavits of merit by each individual plaintiff.

2. The Supplement and Amendment to Complaint filed herein March 4, 1946, verified for and on behalf of each plaintiff herein, the same being offered herein in lieu of filing separate affidavits of merit by each individual plaintiff.

3. The Amended Complaint filed herein August 15, 1946, the same being verified by one of the plaintiffs for and on behalf of each and all of them, and being offered herein in lieu of filing separate affidavits of merit by each individual plaintiff.

The attached affidavits of the following persons, none of whom is a plaintiff herein and none of whom is a renunciant, but each of whom is competent to be a witness in said action, are offered in support of said motions:

1. Tetsujiro Nakamura.
2. Masami Sasaki.
3. Ernest Besig.
4. Rev. Thomas W. Grubbs.
5. Ann Ray.

## AFFIDAVIT OF TETSUJIRO NAKAMURA

State of California

City and County of San Francisco—ss.

Tetsujiro Nakamura being first duly sworn, deposes and says:

I am a native-born, 29 year old male citizen of the United States of America and of the State of California, and proprietor of a retail food store situated at 400 North San Fernando Boulevard, Burbank, Los Angeles County, California.

I am a person of Japanese ancestry; I was evacuated from my home in Sacramento, California, on May 11, 1942, pursuant to the provisions of a civilian exclusion order issued by General John L. DeWitt, and was incarcerated in the Tule Lake Center, Newell, Modoc County, California, where I remained continuously thereafter until October 31, 1945, when I took up residence in San Francisco, California.

The Tule Lake Center was surrounded by a 12 foot high steel wire fence topped with barbed wire. Watch towers manned by armed guards dominated the perimeter of the Center and some were situated on the nearby hills. The administrative section of the Center where the W.R.A. Caucasian staff and personnel worked and lived was separated from the inner area or colony where the internees lived. The internees were housed in frail shacks and barracks which were poorly lighted and heated and had no plumbing conveniences. The W.R.A. staff and personnel were housed in comfortable, well constructed,

lighted and heated houses and apartments which had modern plumbing conveniences. A detachment of military police were assigned to quarters adjoining the administrative section. Soldiers patrolled the perimeter of the Center, sentries guarded the entrance and manned the watch towers. Armored tanks were kept on hand. The whole camp was kept under the point of guns.

I was employed by the War Relocation Authority at the Tule Lake Center in the capacity of Legal Aid Counsel from about January 1, 1944, until October 31, 1945, at a salary of \$19 per month, the highest classification rate of salary paid by the W.R.A. for professional services rendered by persons of Japanese lineage confined to that Center, and as such officer I was consulted by several thousand internees during the period of time I occupied that position. While in that Center I lived with my mother, father, brother and two sisters at Block 703-D in Ward 4. As the legal aid counsel I was in sole charge of the legal aid counsel office situated in Block 1608-D in Ward 1. My duties as such officer were to assist the evacuee internees in legal matters.

On May 25, 1943, the Project Directors of the W.R.A. unanimously agreed that a separate center should be set up for quartering aliens who desired to be repatriated to Japan. On June 25, 1943, Mr. Dillon Myer, National Director of the W.R.A., recommended that the Tule Lake Center be selected as the segregation center. On July 26-27, 1943, the Project Directors of all the W.R.A. centers con-

ferred in Denver, Colorado, with Mr. Myer to determine segregation plans. Residents of the Tule Lake Center petitioned this meeting to create a new center where those who wished to be repatriated to Japan would be quartered by themselves. The petition was ignored. The Tule Lake Center was decided upon as a segregation center.

In August, 1943, the W.R.A. conducted a survey in the Tule Lake Center, asking each resident whether he desired to remain in internment in the Center or be transferred to another center or be removed to Japan. The 15,000 residents were canvassed. Approximately 5,000 residents, citizen and alien, applied for transfer to other camps and were transferred while approximately 10,000 preferred to remain in the Tule Lake Center. Approximately 8,000 persons, including men, women and children, from other centers were brought into the Tule Lake Center and many but by no means all of these desired to return to Japan. This segregation plan was never completed. On October 15, 1943, the W.R.A. abandoned segregation because of the administrative problems involved. The Center had been built to accomodate 15,000 persons but 18,000 were crowded in.

The aliens desiring to repatriate with their families to Japan were dissatisfied with being confined to a camp where citizens and aliens desiring to remain in the United States were quartered. Those desiring repatriation expected to be exchanged for our citizens held prisoner in Japan in accord with

the announced plan of the authorities to send them to Japan on the exchange ship Gripsholm. The citizens were dissatisfied with having those aliens present in the camp and protested to the camp authorities but their protests went unheeded. A small committee of the aliens petitioned the W.R.A. for their segregation from those who wished to stay in this country but the petition was ignored. No such segregation took place.

The evacuation and discrimination against persons of Japanese lineage, the reports that circulated that all of us were destined by the Government to be deported to Japan, the frequency of acts of violence against persons of like lineage on the outside, the fear that alien members of our families would be deported and our families be split up, the exaction of answers in 1943 to questionnaires by the Army and the W.R.A. in 1943 that contained the notorious question No. 28 which asked us to renounce an allegiance to the Japanese emperor none of us had, our impoverishment and the hopelessness of our lot and future, worried, frightened and created a deep and abiding fear in all of us who were confined to the Tule Lake Center. This combination of real fears was nothing compared with those that yet were to beset us. At the Tule Lake Center many internees were compelled to answer the questionnaire at the point of bayonets. It was the general prevailing opinion of all evacuees that if they answered "yes" to question No. 28 therein the government would consider such answer



an admission of allegiance on their part to Japan up to that time which was false, that if they answered "no" or refused to answer that question such would be construed by the Government as an admission of disloyalty to the United States. Thousands were too frightened to know how or whether to answer that question.

When the transfers between the camps were stopped in October, 1943, the relocation office in the Tule Lake Center was closed out by the W.R.A. camp authorities. It remained closed until reopened on order of Mr. Myer in the early part of June, 1945, after the completion of the renunciation hearings, so that during the closure period none of the residents were able to apply for relocation in the United States and none were allowed to be relocated. The closing of the relocation office alarmed the whole camp, the internees feeling certain the closing was notification that all the internees would be detained and finally be deported to Japan. Hundreds of them expressed that opinion and belief to me personally.

I was in the evacuee property office one day in early June, 1945, and saw Mr. Dillon Myer, Mr. Best and other staff officers of the W.R.A. enter the adjoining room. I heard their conversation. Mr. Myer asked Mr. Best, the Project Director, how relocations from the Center were progressing and Mr. Best said that the relocation office had been closed since about October, 1943 and that no applications for relocation had been accepted since

then. Mr. Myer told Mr. Best that he was surprised to learn the relocation office had been closed out and that because a serious mistake had been made in closing that office that it must be reopened at once. Mr. Best said he would reopen it. Mr. Myer then instructed Mr. Best to send relocation workers into the camp to intermingle with the residents and to inform them the W.R.A. would consider applications for relocation. Mr. Best reopened that office the same or the next day. Workers were sent into the inner camp to spread the news and in a few days the office was swamped with applications. The applications poured in so fast that several additional relocation offices were opened to handle the volume. Practically all of the renunciants applied for relocation before the middle of July, 1945, but their applications were denied while those of aliens and children under 18 were approved.

Immediately following the abandonment of the segregation program in October, 1943, factions developed among the internees, those desiring to remain in the United States being opposed to being kept in a camp housing those desiring to go to Japan. The aliens petitioned the W.R.A., the Justice Department and the Spanish Consul protesting the presence in the camp of citizens and aliens desiring to remain in the United States and demanded that the Tule Lake Center be given over exclusively to those desiring repatriation. The petitions were ignored. To obtain their demands the leaders of the aliens desiring repatriation to Japan

formed political pressure groups in order to agitate and compel all U. S. citizens and their families in the Center to join their organizations, to force them to renounce U. S. nationality and to ask for removal to Japan. Leaders of these groups openly announced their plans and purposes and embarked upon a vigorous and openly conducted propaganda campaign among the internees to accomplish those objectives.

During the summer of 1944, while Mr. Best was absent from the Center, Mr. Harry Black, Assistant Project Director, and his assistant, Mr. Huycke, recognized the demands of the alien pressure groups which desired to be repatriated. They assigned to those groups the High School auditorium once per month to be used for their meetings and also provided separate office space for them in Ward 5. The groups were called the Hoshi Dan (adults' organization), the Sokuji Kikoku Hoshi Dan (youths' organization) and the Joshi Dan (girls' organization). These organizations originally were devoted to preparing those going to Japan to take up life in that country by studying its language, culture and customs but long since had gone far beyond those purposes. They were allowed to keep on using the auditorium and offices until after the renunciation hearings had been completed in July, 1945.

On November 4, 1943, a group of Caucasian internal security policemen severely beat eighteen internees in the police squad room in the Center

without justification. The 18 were severely beaten with baseball bats and were hospitalized, several requiring hospitalization for several months and the mentality of one was impaired permanently as a result of the beating he had received. An investigation was conducted by the W.R.A. authorities into the beatings but they did not disclose their findings. Knowledge of this mistreatment of internees intensified the fears of all the internees.

On November 4, 1943, the troops were called into the inner camp to suppress a riot which never occurred and which was never even threatened. The armed troops drove every resident indoors at the points of bayonets and then forcibly and violently searched every internee, man, woman and child, and every apartment, house and barrack. This generalized search continued daily and nightly until about November 12, 1943. Thereafter, periodically until about March 1, 1944, when the troops were removed altogether from the Center, indiscriminate forcible searches were conducted by the troops of hundreds of internees and their quarters. Hundreds of internees were arrested by the troops and were detained in isolation quarters for days and months without any charges being brought against them and without any hearings being given them on the reasons for their detention. These violent searches and seizures kept the whole camp in a constant state of worry, despair, wild fear and terror of troop violence.

On May 16, 1944, Jimmy Okamoto, a citizen

internee, while driving a construction truck for the W.R.A. stopped his truck at the entrance gate to the camp where, without provocation, he was shot and killed by rifle fire by a young soldier, an M.P. The W.R.A. authorities complained to the Colonel in charge of the troops for the unprovoked outrage. An army board subsequently exonerated the soldiers but transferred him from the camp. As a result of protests by the W.R.A. and public protest over this incident the troops shortly thereafter were removed from the Center and W.R.A. internal security police were substituted as guards in lieu of soldiers and these were armed with revolvers instead of rifles. The shooting of this boy filled the whole camp of internees with an unspeakable horror and a deep fear because of the want of protection accorded the internees against outbursts of violence against them. Panic reigned in the camp.

On July 2, 1944, Yaozo Hitomi, a loyal alien who was manager of the canteen and who enjoyed the confidence of the W.R.A. and the internees and was an outspoken opponent of the pressure groups then existing in the camp, was assaulted at night and murdered by a gang in front of his brother's house. His throat was cut with a knife. This murder further alarmed and frightened the whole camp.

From on or about March 1, 1944, until about August, 1945, the internal security police conducted thousands of forcible searches and seizure of the

persons and properties of internees. In excess of 450 citizen internees ranging from 17 years upward in age were seized by them and thrown into The Stockade, a prison maintained by the W.R.A. in the Center, and there were kept incommunicado for periods ranging from 1 day to 11 months without any charges being filed against them and without being given any hearing on the reason for their arrest and imprisonment. These frequent violent searches, seizures and arrests developed a chronic fear in the internees of police violence and a belief that the W.R.A. did not wish to protect but to harass and oppress them.

The police, however, took no action whatever against the pressure groups which were operating openly in that Center with the full knowledge, consent and permission of the W.R.A. authorities until they were ordered so to do by Mr. Best during the time the renunciation examinations were being held and then did nothing except to raid those offices and confiscate their office records, pictures and emblems. They did not arrest any of the leaders of those organizations. These brutal search and seizure practices spread panic among the internees, all of whom lived in momentary fear of being seized, jailed and held incommunicado. Life in the Center became one of bewilderment and stark fear. All of us were in the most abnormal state of mind imaginable. Several persons were driven insane. All of us lived in a constant state of fear and terror, being harassed, menaced and threatened by members of

the pressure groups against which the W.R.A. provided no protection.

Daily from about the middle of November, 1944, until sometime in July, 1945, that is, long before the renunciation hearings were held in the Center and during the progress of those hearings, I personally talked about renunciation with in excess of 3,000 of the citizen internees who were scheduled for renunciation hearings or about to be scheduled for such hearings and also with hundreds of parents and relatives of citizen internees. Those to whom I talked were men, women and children from 18 years upward. I talked to them in my office where they came to see me, at their homes and at my home and elsewhere in the camp. I advised each of them against renunciation. Without exception each citizen to whom I talked told me that he believed and knew he had been discriminated against by the Government and ever since his evacuation had been treated as though he were a hostile alien enemy; that the citizens of Japanese ancestry serving in the Army had been discharged from active service in 1942 and were denied the right to fight for this country and that they and all males of like ancestry had been given a 4-C draft classification in late 1942 and thereby had been officially and falsely branded by the Government as "alien enemies"; that he had been interned and deprived of all the rights of citizenship for years simply because of his Japanese ancestry; that the Government had abandoned him and all Japanese in this

country and wished to deport them and intended to deport them to Japan; that the Army authorities during their confinement in relocation centers in 1943 and the W.R.A. in the W.R.A. centers in 1943 had used a trick and device to trap them into making a false statement or oath in questionnaires in which they were compelled, under Question 28 therein, to admit they had an allegiance to Japan which they were to renounce; that his future life in this country was impossible because of the community hostility raging against persons of Japanese ancestry on the outside which had resulted in hundreds of beatings and assaults on persons of Japanese ancestry; that relocation in this country had been denied him without cause; that he was scheduled for internment until his deportation to Japan was arranged by the Government through the medium of the exchange ship Gripsholm; that the Government intended to deport him and that it had authorized the Hoshi Dan, the Hokoku Seinen Dan and the Joshi Dan to open offices in the camp for the purpose of carrying on agitation in the camp to obtain renunciation from the citizens and that the Government wanted the renunciations of all the citizens; that the Government authorized the opening of the Japanese language schools in the Center for the purpose of having them learn the Japanese language, culture and customs to prepare them for life in Japan when they were deported; that if he did not renounce he would be subjected to violence by the pressure groups and gangs which had threat-



ened him and his family members with violence if he failed to obey the leadership of those gangs and refused to renounce; that he and his family would be assaulted and subjected to violence if the didn't join those organizations; that anyone who opposed the leadership of the organizations and failed to renounce and request transfer to Japan would, when finally deported to Japan, be reported to the Japanese authorities and there be imprisoned and mistreated for being loyal American who had opposed the pro-Japanese organizations and the leaders of those organizations; that the aliens were all scheduled for removal to Japan and that if the citizens did not renounce the aliens would be removed to Japan and the citizens would be held in internment and be deported to Japan at a later date and that their families would be split up by such a practice. These beliefs, views and fears were shared by nearly every person interned in the Center.

Among those to whom I talked there were at least 50 veterans who had served in the Army, had received honorable discharge in 1942 when the Government adopted the policy of relieving them from active military service simply because of their Japanese lineage and thereafter had given them a draft classification of "alien enemy," that is, "4-C" draft classification.

A number of these citizen internees stated to me that they had been compelled by threats made by leaders of those gangs to join the organizations as nominal members so that they and their families

would not suffer physical harm from those gangs against which harm the W.R.A. authorities had not given and would not give them any protection; that they did not dare to resign from membership because of fear of bodily harm if they tried to do so; a number of these told me that when they first learned the true nature of these organizations and that these organizations were neither devoted nor interested in cultural pursuits but devoted to disloyal pursuits they had tried to resign; that upon attempting to resign that leaders of those organizations tried to exact written resignations from them which those leaders said they would present to Japanese authorities when they were deported to Japan and there the resigners would be arrested, imprisoned and mistreated for being loyal to the United States, for being American spies or persons who had tried to thwart the pro-Japanese movement in the Center. Their beliefs and fears were genuine and well founded. All the internees for a long time had been living in a state of growing danger, mass-hysteria and terror and none of us were acting or responding as normal persons. It was impossible to do so.

Of my own knowledge and personal observations I state that the W.R.A. authorities took no steps to abate or halt the activities of the pressure groups until after the renunciation hearings had been completed in the Center in July, 1945, but the Justice Department removed a few of the leaders of those groups between January and March of 1945,

to other internment camps. It decided against removing the remaining leaders and the groups remained active all during the progress of the renunciation hearings. The failure of the W.R.A. to protect the citizen internees and their families against the propaganda campaigns of the pressure groups and the subversive activities of those groups left them in a helpless and hopeless condition, a prey to the rumor mill, fear, distress, worry and despair. It was useless for internees to complain to the W.R.A. for protection they were not receiving and they were afraid to complain. They feared that registering complaints would expose them to reprisals from the gangs and those fears were real and justified.

Approximately 1,300 citizens in the Center did not renounce. These were either from remote blocks in the Center where the pressure groups were least active or worked in the administrative section of the Center during the day and hence were free from the pressure and intimidation of the gangs or were persons who were sane and clever enough to lead the pressure groups to believe they had applied for renunciation.

Following their particular renunciation hearings I personally talked to not fewer than 2,000 citizens concerning their renunciations. They still held their same beliefs and fears. Several hundred of them told me that they had not written any requests for renunciation application forms; many of them telling me they had received those forms in the mail

from the Government but that they had not solicited the forms; many stated that the Hoshi Dan office had written to Washington in their names requesting the forms be supplied to them; many stated that the Hoshi Dan office had prepared the application forms and ordered them to sign; hundreds of them stated they had been ordered by Hoshi Dan leaders to submit to and that they had submitted to coaching courses the Hoshi Dan had organized and conducted in advance of the hearings for the purpose of coaching them to answer questions which it was expected the government examiners would propound to them and which the government examiners did ask as the hearings progressed; that they had done so and that, under fear of and under the compulsion of the Hoshi Dan they had given the stereotyped answers to the examiners at their renunciation hearings which they had been ordered to give by the leaders of those groups and that the answers were false and untrue but were given by them because of the threats made against them by the gangs and their belief and fear that if they had not done so they and their families would have been assaulted and harmed by the gangs; that they had not wanted to renounce but that they did not dare to tell the government examiners so for fear the pressure groups goon squads would harm them and their families and because they believed and feared the government examiners were not sympathetic to their plight and would not have believed

them in any event because they were agents of the government which desired their renunciations and intended to deport all of them and their families regardless.

I do not know of a single person who renounced of his own free will or of any person who renounced while in his proper mind. Before the renunciation hearings were commenced there were frequent assaults conducted by individuals and by goon squads controlled by the pressure groups upon internees who spoke out against those groups and against renunciation, many such assaults occurring during daytime but most occurring during the night time. The whole camp was kept so frightened during the renunciation period and for a long time prior thereto that nearly all the internees kept to their homes or barracks at night and very few ventured forth in the dark for fear of being assaulted. The great body of the internees lived in constant fear and terror of the pressure groups which completely dominated and controlled the camp during the renunciation period and for several months before it was started. They were all caught up in a condition of mass-hysteria and fear. The acceptance of renunciations from terrorized citizens living in internment, shut off from the outside world and from knowledge of that world, was just like accepting renunciations from inmates of a gigantic insane asylum.

The Japanese language schools which the W.R.A. fostered in the Center for the purpose of preparing

repatriates for a future life in Japan were dominated and controlled by alien fanatics. These aliens aided the Hoshi Dan, the Hokoku Seinen Dan and Joshi Dan leaders in their propaganda activities. They converted these schools into forums for those purposes. They agitated for renunciations and repatriation to Japan. Citizen students who attended the schools in response to parental obedience to alien parents who desired repatriation by degrees found themselves helplessly caught in the toils of these disloyal teachers and didn't dare protest. As a condition of attendance children were compelled to have their heads shaved. I paid a number of visits to these schools before and during the renunciation period. I reported the facts of such agitation and propaganda dissemination by the teachers to my superior, Mr. Lou Noyes, the Project Attorney, on many occasions. No action, however, was taken against the agitators. The children in these schools were left in a helpless condition. The staff of the W.R.A., the W.R.A. Caucasian employees and internal security police at all times were fully aware of the purpose to which these schools were being put and of the helpless condition of these American children but did absolutely nothing about it.

In March, 1945, Masami Sasaki, Kaoru Takahashi, adult aliens loyal to the United States, and I tried to form a group of internees to combat the threats of the pressure groups and to offset their influence and to conduct a campaign against the

fear and terror they instilled in the citizen and alien internees and to speak against renunciations. I wrote to the Japanese American Citizens League in Salt Lake City pleading with that organization to do something to save these citizens and loyal aliens from the pressure groups and renunciations and received a letter from Mr. Saburo Kido, the president of that organization, stating that his organization was not able to do anything about it. Our efforts were unsuccessful because the camp was wholly dominated and controlled by fear of the pressure groups. We could gain no assistance from the outside world or the W.R.A. and the internees were too frightened to do anything except submit. I received several threats from the gangs and my mother, father, brother and two sisters were panic stricken for fear that my life was jeopardized by my actions. Although I lived in a state of fear and was afraid of being beaten up by gangsters in the camp I did what I could. The two girl stenographers assigned by the W.R.A. to work as my stenographers in my office in the Center, however, were unable to withstand the pressure and both renounced because of the fears and terror the pressure groups inspired in them. My efforts to persuade them not to renounce were unavailing.

I spoke to Mr. Lou Noyes, the Project Attorney, my immediate superior, in his office in January, 1945, before renunciation hearings were started. I told him of the activities of the pressure groups and of the threats and acts of violence of which

they had been guilty, of their agitation and propaganda program, of the great fear and terror in which the citizens and their families were held by them. I stated to him that none of them would renounce except for the fear and terror in which they lived and were held and told him that probably all of them would renounce if renunciation hearings were held in the camp and that probably none of them would renounce if the hearings were held in Sacramento or anywhere outside the Center where the influence and fear of the pressure groups could not be felt. Mr. Noyes' reply to me was that holding hearings elsewhere than in the Center would be undemocratic because if the hearings were held outside the Center each person would have to travel to that place at his own expense and that, in consequence, only the few financially able ones would be able to go and the great majority who were poverty stricken could not afford to defray their expenses to such a hearing place. Mr. Noyes also told me that the W.R.A. was not assisting and would not assist the Justice Department in the renunciation program and that it was maintaining and would maintain an off-hands policy. He also told me that he had informed Mr. John Burling of the Justice Department who then was in the Center of the activities of the pressure groups and the coercion those groups had placed and were placing on the interned citizens to apply for renunciation and of the threats and act of violence of which those groups had been guilty in accomplishing their purposes. Thereafter, and until the renunciation



program was completed I reported the activities of the pressure groups and the coercion exerted on the citizens to renounce to Mr. Noyes and discussed the facts with him and also with Mr. Marvin Opler, an anthropologist who was on the W.R.A. staff as the "community analyst," on many occasions but, so far as I know and have been able to learn, neither they nor any other member of the W.R.A. staff or personnel did anything about it because it was the established policy of the W.R.A. to maintain a hands-off policy on the matters.

Everyone on the W.R.A. Staff, the Caucasian police and employees of the Center saw and knew of the activities of the pressure groups and the terror in which the internees were held and discussed it constantly but nothing was done about it.

So far as I know no one in the Center or outside did anything to alleviate the fears and terror in which the citizen internees and their families and the loyal aliens lived and were held until the renunciation examinations had been completed with the single exception of Mr. John Burling of the Department of Justice. I met him and was introduced to him when he visited my office in the "colony", the inner internment area, with the government examiners, Mr. Rothstein, Mr. Shevlin, Miss Collins and Miss Scott and a girl stenographer sometime during March, 1945. Mr. Burling, on January 25, 1945, while present in the Center wrote a letter to Masao Sakamoto, the chairman of the Sokuji Kikoku Hoshi Dan, and Tsutomu Higashi,

chairman of the Hokoku Seinen Dan, both of whom were aliens, warning them and their organizations to cease their disloyal activities and to stop the physical violence of which they and their organizations had been guilty and to stop the pressure they had been placing on residents of the Center. Mimeographed copies of his letters were posted in all the mess-halls, the block-managers' offices and latrines and hundreds of copies were supplied by him to the internal security police office for distribution to the internees. From my own knowledge and observation I state unreservedly that the activities of the groups, the pressure they put upon the internees and the threats of the leaders of those organizations and the demonstrations of force they openly displayed in coercing citizens to renounce and to apply for removal to Japan neither abated nor halted but, on the contrary, the subversive activities of those leaders increased in intensity and flagrancy until the renunciation program was concluded in July, 1945. I obtained a copy of that mimeographed letter signed by Mr. Burling from the internal security office in the Center and kept the same in my possession thereafter. That letter reads in part, as follows:

“I am well aware that your two organizations have put pressure on residents of this Center to assert loyalty to Japan and that in a number of cases physical violence was employed. . . . It is as treasonable to coerce others into asserting loyalty to Japan here as it would be outside. All these activities will stop.

“What is intolerable is that the activities of your two organizations continue. Since those activities are intolerable, they will not be tolerated but, on the contrary, will cease.”

Despite Mr. Burling's letter neither the pressure put on residents by the organizations to renounce nor the number of cases of physical violence was stopped. Instead those activities were stepped up and increased in intensity.

Mr. Burling and the government examiners, Charles M. Rothstein, Joseph J. Shevlin, Miss Ollie Collins and Miss Lillian C. Scott, spent a few weeks in the Center in the administrative section of the camp but only a few moments in the inner area, the colony where the internees were confined, consequently, he and they were able to gain only a fleeting view of conditions there and a superficial knowledge of what was going on in the inner area and then only from hearsay from the W.R.A. personnel. The W.R.A. was not interested in directing his and their attention to the true conditions existing in the camp but in suppressing knowledge thereof because it reflected upon the W.R.A. management of the Center.

Mr. Burling and those government examiners were not acquainted with the Japanese language which was the tongue most used in the Center. He and they did not associate with, live with or talk to the internees in the inner area. He and they had an opportunity to observe and did observe several demonstrations of the Hoshi Dan, the Hokoku Sei-

nen Dan and the Joshi Dan from a distance. The demonstrations took place near the barbed wire fence which separated the inner area from the administrative section of the Center where Mr. Burling and those government examiners had their apartments. If Mr. Burling and his staff of examiners had been acquainted with the Japanese language and had spent a few days or weeks in the inner area and had associated with the internees they would have observed and been familiar with the active terror that governed the internees and caused the renunciations. Mr. Burling's letter, however, was widely circulated in the Center and did bolster the courage of some of us. If the Department of Justice or the Immigration Service had been placed in the management and control of the Center instead of the W.R.A. the pressure organizations would not have been able to exist or to exercise any influence or to terrorize the internees and no renunciations would have been made.

With very few exceptions all my talks with internees in the inner area of the Center from about October, 1944, to July, 1945, were carried on in the Japanese language. The internees were afraid to speak in English and they were afraid to speak to Caucasians in the Center because the pressure groups had threatened the whole camp and warned them that if they spoke English or associated with or talked to Caucasians they would be assaulted or punished. As a result practically none of them spoke English and only those who were employed by the

W.R.A. in the administrative area came in contact with the Caucasian personnel and spoke English to them in connection with their work but their fear of the pressure groups was so great that they spoke Japanese among themselves. It was notorious that the pressure group leaders shortly after they first were organized set up and maintained a widespread spy system in the camp until the middle of November, 1945. It was through this means the leaders of the groups kept the camp under their heels. The W.R.A. authorities were cognizant of these facts at all times.

Through the medium of the Japanese language schools which the W.R.A. authorities openly allowed to operate in the inner area from the latter part of 1943 to sometime during November, 1945, and which were taught by alien teachers young children were compelled to submit to the indoctrination of disloyal ideas. Those schools were notoriously devoted to the dissemination of Japanese propaganda. The children were forced to participate in Japanese exercises and to listen to the virtues of Japanese militarism and the Japanese way of life extolled. Their parents, in response to the pressure placed upon them by the leaders of the pressure groups and the fear they entertained of harm from those sources, were compelled to send their children to those schools. They feared for their own personal safety and for the safety of their children. The alien parents and their children were helpless. The parental duress the alien parents were forced to exert on

their children to attend these schools, to renounce and request to be sent to Japan and the obedience of the children in obeying was caused by the fear in which the parents and children were held by the leaders of those groups. The alien parents were helpless and their children were helpless in the face of the dangers which they confronted. The W.R.A. authorities were fully aware of this terrible condition but they did nothing to stop it.

I have read the original letter of Honorable Abe Fortas, Under Secretary of the Interior, addressed to Mr. Ernest Besig, Director, Northern California Branch, American Civil Liberties Union, 216 Pine Street, San Francisco 4, California, and dated Aug. 6, 1945, which said letter now is in the possession of Wayne M. Collins, Esq., Mills Tower, San Francisco, California. From my own personal observation and knowledge I know and assert that the facts recited in paragraph No. 1 on page 1 thereof reading as follows:

“1. When Tule Lake became a segregation center, WRA adopted a policy of permitting evacuees to operate Japanese language schools and engage in Japanese cultural activities, in recognition of the fact that many of the residents sincerely desired repatriation to Japan and that their children should be given an opportunity to become acquainted with Japanese culture. Unfortunately this policy was utilized as an entering wedge by a number of strongly pro-Japanese evacuees for the formation of virulently pro-Japanese nationalistic organiza-

tions. These evacuees were motivated chiefly by the desire to attain standing in the eyes of the Japanese government and obtain positions of leadership in the colony. To this end they instituted Japanese-type military drill, mass exercises, bugling, wearing of Japanese insignia, emperor worship, ceremonials, pro-Japanese demonstrations, and other purely Japanese nationalistic activities designed not to serve any cultural purposes but to instill in the Tule Lake people a fanatical devotion to the principles of the militarist regime in Japan. By preying on fear of Selective Service they induced parents to exert pressure on their children to join the organizations. In addition they resorted to intimidation, threats of violence and actual violence in coercing residents to join the organizations and participate in their demonstrations. It was primarily due to the pressures of these organizations that over 80 per cent of the citizens eligible to do so applied for renunciation of citizenship this past winter. When Department of Justice representatives arrived at Tule Lake to conduct hearings on applications, the organizations stepped up their demonstrations and their pressures on the applicants. Undoubtedly many of the applicants were in the grip of the emotional hysteria created by these organizations, or actually acting under fear of violence, in confirming their desire to renounce citizenship during the hearings. The general uniformity of the answers given indicated that the applicants were well coached. These facts are re-

flected in an increasing volume of cancellation requests from Tule Lake renunciants, who frankly state in many cases that they were acting under compulsion in renouncing their citizenship.

On January 19, 1945, Mr. John Burling, special representative of the Attorney General conducting renunciation hearings at Tule Lake, addressed a letter to the heads of the two principal organizations setting forth the position of the Department of Justice toward the activities of the organization. A copy of that letter is enclosed (Exhibit I). In that letter Mr. Burling, speaking for the Attorney General, strongly condemned the activities of the organizations and stated that they must stop. Despite this letter, which was widely circulated in the center, the activities of the organizations did not abate. In order to maintain peace and order, protect the Tule Lake residents who were loyal to this country or who disagreed with the aims and objectives of the organizations, and to stop the subversive activities of these groups, two steps were taken. One was the transfer of the known alien leaders of the organizations (including persons who had renounced their citizenship) to internment camps. The other was the adoption of the special project regulations prohibiting the overt demonstrations which were fundamental to the organizations' programs.

As a result of these two steps the organizations have lost much of their prestige. Many evacuees who joined the organizations have notified WRA



of their withdrawal from membership. Opposition to the organizations has come out of hiding. Nevertheless the influence of the organizations is still strong, and their activities continue.”

to be a true, correct and accurate recital of facts of which I also have firsthand knowledge and saw and heard and had cognizance of while I was a resident of the Tule Lake Center, as aforesaid.

The internees long were shut off from the rest of the world. It long had been the established policy of the W.R.A. to exclude visitors from the center. Even veterans of the army returning from the European and Asiatic theatres of war in 1945 only to find their brothers, sisters and parents interned in the Tule Lake Center because of their Japanese lineage found it difficult to obtain permits to visit them in the Center.

The intense fear in which all the internees were held by the pressure groups did not slacken until immediately following a visit of attorney Wayne M. Collins who had been called for help by a number of them in the latter part of July, 1945. He was the first person from the outside world to inform them of their rights and to endeavor to allay their fears. When he re-visited the camp in early August, 1945, a steady stream of persons talked to him and he informed them that he would take action on their behalf to relieve them from the duress in which they were held and that if the W.R.A. would not give them protection against the pressure groups he would see that they received pro-

tection nevertheless. From the time of his visits the fears of the internees commenced to subside, especially after he filed in the U. S. District Court for the Northern District of California, Southern Division, in San Francisco, mass proceedings in habeas corpus and mass suits in equity on behalf of a large number of them seeking their release from detention and the rescission of their renunciations. When the first group of alien leaders were repatriated on November 25, 1945, the camps indicated a subsidence of fear and when the last of those leaders were removed to Japan on February 23, 1946, a degree of normalcy returned to the camp.

/s/ TETSUJIRO NAKAMURA.

Subscribed and sworn to before me this 23rd day of November, 1946.

[Seal] /s/ ALFRED D. MARTIN,  
Notary Public in and for the City and County of  
San Francisco, State of California.

#### AFFIDAVIT OF MASAMI SASAKI

State of California,  
City and County of San Francisco—ss.

Masami Sasaki being first duly sworn, deposes and says:

I am an adult male, 57 years of age, residing at 424 South Lorena Street, Los Angeles, California;

I was born in Japan and voluntarily emigrated to the United States when I was eighteen years

of age, coming to this country alone because of the opportunities the United States held out to me and because I was dissatisfied with life in Japan and was opposed to its militaristic regime.

In December, 1941, I was taken by an agent of the Federal Bureau of Investigation from my home in Los Angeles because I was of Japanese lineage and finally, in May of 1944, I was confined along with thousands of other persons of Japanese ancestry in the Tule Lake Center, Newell, Modoc County, California, from where I was released and was permitted to relocate in this country in December, 1945, and did return to Los Angeles where I now reside.

While I was detained for being an alien at the Santa Fe Internment Camp in New Mexico I signified my willingness in May, 1943, to serve in the United States Army.

When I arrived in the Tule Lake Center in May of 1944 there was no relocation office maintained by the W.R.A. and there was no such office in the inner area where the internees were confined until one followed by several branch was opened in June of 1945. Consequently, none of us who were confined to that Center were able to file applications for relocation in the United States until those offices were opened in June of 1945. Because of the activities of the pressure groups which were operating in the inner area at all times during the time I was confined to the Center and until the renunciation examinations given by Mr. Burling, Mr. Rothstein, Mr. Shevlin, Miss Collins and Miss Scott

were practically completed the internees, including my wife, Shigeeko Sasaki, and I, did not dare try to leave the inner area and go to the administrative office in the outer part of the Center to try to apply for leave clearances because of the fear that if we did so the fact would be reported to leaders of the pressure groups and our lives be endangered thereby. I do not know of a single person who dared to go into the administrative section to try to ask for leave clearance until those relocation offices were opened. It was notorious that the pressure groups maintained a spy system during that time and that anything that was done in the Center was made known to their leaders. It was known to all of us in the inner area that many persons were beaten by members of the pressure gangs and that many were threatened with violence by them for opposing their purposes and actions.

In the latter part of 1944 the Hoshi Dan and the Hokoku Seinen Dan, two organizations led by aliens who wished to be repatriated to Japan, were organized. They set up Japanese language schools of their own in their own homes in the inner Center. They forced their own children to attend these schools. They intimidated hundreds of parents and coerced them into sending their children to such schools and to other Japanese language schools which were in operation in the Center. American children were compelled to attend those schools. In those schools the alien teachers who were to be repatriated to Japan taught about the glories of Japan

and steadily endeavored to indoctrinate them with pro-Japanese sentiments and to transform them from Americans into Japanese.

The W.R.A. allowed the pressure groups, the Hoshi Dan and the Hokoku Seinen Dan to use a number of the mess-halls in the inner areas as meeting places. The "Greater East Asia Language Schools," one of which was situated in Block 25 in a recreation hall, one in Block 30 in living quarters and one in Block 50 in living quarters, were the worst of the lot. In those schools teachers emphasized military training, Japanese calisthenics, and taught the children that Japan would control the destinies of the world and that they must become Japanese, must renounce American citizenship and request to be sent to Japan. I heard these facts from many students and from parents who were compelled by the pressure groups leaders to send their children to these schools. The Greater East Asia Language Schools closed down when a number of the leaders of the pressure groups were arrested and removed from the Center by the Justice Department sometime in March, 1945. Until that time, however, the W.R.A. did not interfere with them. Similarly conducted Japanese language schools continued to engage in like teaching until about October, 1945, and were not interfered with by the W.R.A. or the Department of Justice.

Pressure groups were in operation in the inner area when I arrived in the Center in May, 1944. These groups sometime during the summer or fall

of 1944 developed into the organizations thereafter known as the Hoshi Dan and the Hokoku Seinen Dan. These organizations, as were their predecessor pressure organizations, were the outgrowth of the alien groups which desired to be repatriated to Japan and had been confined to the Tule Lake Center for that purpose. The segregation of aliens desiring to be repatriated to Japan from those persons wishing to remain in the U. S. was never carried out.

The known purposes of these organizations were to get American citizens to renounce their American citizenship and ask to be sent to Japan and to get the aliens to ask for repatriation to Japan and to get the alien parents of American children to force their children to renounce and ask to be sent to Japan. These organizations held meetings openly in the inner area in mess-halls allotted to them by the W.R.A. They met at least three times per week. They also had the W.R.A. set aside to them for their meetings the high school auditorium on occasions. It was commonly known to the people in the Center that at these meetings disloyal speeches were made by alien leaders of the organizations who intended to be repatriated to Japan. The leaders formed strong-arm squads of committees made up of experts in judo and kendo and of ruffians and gangsters some of whom were given to carrying sticks and clubs. These gangs walked about the camp during the day and stalked about the camp at night. I saw such gangs many times so armed.

The most infamous leaders of the Hoshi Dan were Tachibana and Tesho Matsumoto, both aliens, both of whom now are in Japan.

The Hoshi Dan spread the report through the camp that if any of the internees exposed their activities to the authorities they would be considered "informers" which they called "Inu," that is to say, dogs, and would be beaten up or be killed. The whole camp feared that those threats would be carried into execution if anyone did so and, consequently, internees feared to be seen with or talking to Caucasians for fear they would be considered informers. It was common knowledge among us all that the pressure groups had a spy system operating in the camp and that anyone who criticized or reported their activities or who denounced their purposes and activities would be reported to the leaders of the pressure groups and would run the danger of being assaulted by their strong-arm gangs. All of us lived in daily danger and a state of terror as a result. The authorities did not interfere with them and did not protect the internees against their activities until some of the leaders were removed from the Center by the Justice Department in the spring of 1945.

The pressure group leaders and their strong-arm squads threatened anyone who said he was opposed to them with violence. They threatened with violence anyone who dared to speak out against their propaganda campaign, or against renunciations or against requests for removal to Japan or against

the language schools. They intimidated parents into sending their children to those schools. They sent strong-arm gangs each consisting of 2 to 3 persons to canvass all the internees and to intimidate the citizens into renouncing and applying for removal to Japan and the aliens into applying for repatriation to Japan. We heard of many persons being threatened and assaulted for opposing their movement. We heard about such threats and assaults nearly every day. All of us were frightened by them.

I first saw pressure groups marching in the latter part of 1944 in the inner area between the wards in the Center. I saw five such groups drilling and engaging in Japanese calisthenics in one day, each containing between 200 and 300 persons. They made it a practice about 5:30 a.m. each morning to blow the "Kimigayo," the Japanese national anthem, on their bugles. At 6 a.m. these groups assembled between the wards, knelt, bowed in the direction of Japan, then rose and commenced marching. Their heads were shaved. They wore rising sun flags sewn on their coats and sweaters with the word "Ho" appearing thereon which is symbolic and means "submission to the emperor." They repeated the performance each morning. They marched in military formation. From my apartment I heard their officers shout Japanese military commands and I saw them obey those commands.

Each Sunday all those groups assembled and formed a large marching unit in the inner area fac-



ing the Administration Building in the administrative section in plain view of the Caucasian W.R.A. staff and personnel and separated from them only by a high steel wire fence. From a distance, on about five Sundays, during October, November and December, 1944, I saw dozens of the Caucasian staff and personnel watch them from the administrative side of the fence. I saw many members of the Caucasian internal security police force both inside the inner area and in the administrative section watch them while the unit went through its performance from assembling to marching.

I saw a small group of the pressure groups many times drilling in Japanese military formation in the area behind the barrack in which my wife and I had our one-room apartment where we cooked, slept and lived. The numbers of the marchers in the small groups increased from about 150 in number in December, 1944, to about 300 in March, 1945. The large unit, a combination of the five small groups, which I saw marching on Sundays totaled about 1,500 persons nearly all of whom were aliens and their children who desired to be removed to Japan. Practically, if not all of these marchers, who remained in the Tule Lake Center were repatriated to Japan from December, 1945, to February, 1946, as were those of them who were transferred from the Center to other internment camps in the spring of 1945.

I reported to Mr. Lou Noyes, the W.R.A. Project Attorney, sometime during January, 1945, at his

office in the administrative section that the Hoshi Dan and Hokoku Seinen Dan strong-arm squads had intimidated and were continuing to intimidate citizens into renouncing citizenship and were compelling parents to pressure their children into renouncing and asking for removal to Japan and that these strong-arm squads were guilty of many acts of violence in the camp and were constantly threatening anyone who opposed their actions. Mr. Noyes then said to me that the W.R.A. would not do anything about it and that it was a problem for the Justice Department to handle. Mr. Tetsujiro Nakamura, who is a citizen of the United States and who was the W.R.A. Legal Aid Counsel, who had his office in the inner area, was present in the office of Mr. Lou Noyes when I had that conversation with Mr. Noyes.

In the early part of February, 1945, Mr. Tetsujiro Nakamura, the W.R.A. Legal Aid Counsel; Mr. Jutaro Narumi, Mr. Z. Okubo, the chief of the block managers, and Mr. Kaoru Takahashi and my wife and I met in secret at my one-room apartment in Block 51, Barrack 11, Apartment C, in the inner area. Mr. Nakamura is a citizen of the United States and the rest of us who attended that meeting are aliens who always have been loyal to the United States. We then and there constituted ourselves a group for the declared purpose of opposing the pressure groups' propaganda, disloyal activities and influence in any way we could. Because of the personal danger to ourselves we had

to talk to internees secretly against the pressure groups and against renunciations and we did so. In March of 1945 we tried to form an active group on a larger scale to combat the pressure groups. We resolved to seek outside aid to help the internees against the terror that reigned in the inner area. Although we were all frightened about what we were doing and intended to do because of our fear of the pressure groups and believed our lives to be in danger from them were our purposes to become known, we instructed Mr. Nakamura to write to the Japanese American Citizens League and ask for the help of that organization. We held meetings of this little group about five times per week. Mr. Nakamura wrote the letter and showed us the original and we approved the letter and its contents, and he mailed it. No answer was received for over a month and then Mr. Nakamura produced the answering letter from Mr. Saburo Kido, the president of the Japanese American Citizens League, which stated in substance that his organization could not assist us. Nevertheless, each of our little group advised individuals against the pressure groups and against renunciation even though we had to do this in secret because of the great danger of bringing harm upon ourselves and those to whom we talked. The whole camp was in great fear of the pressure groups all during the renunciation period.

All of us who were interned, citizens and aliens alike, believed and expected that the Government in-

tended to keep us all interned until it deported all of us to Japan. These general beliefs instilled us all with fear. All of us were held in the grip of terror of the pressure groups and lived in constant danger of harm from their strong-arm gangs. Those groups spread Japanese propaganda throughout the Center—they spread rumors—they spread threats of violence against anyone who spoke against renunciation and against anyone who opposed their principles and objectives—they spread the news that anyone who opposed them would be reported to the Japanese governmental authorities when they were deported to Japan and that anyone who refused to renounce citizenship would be deported in any event and on arrival in Japan would be reported as having opposed them and as being loyal to the United States and there would be arrested and imprisoned for having so done. They brought pressure to bear on parents of citizens to compel their children to renounce.

Both before and during the progress of the renunciation examinations it was well known in the Center that citizens had been compelled to submit to coaching courses that the Hoshi Dan conducted. In those courses citizens were ordered to give stereotyped answers to the questions the government examiners were expected to give them. Those coaching schools were in operation all during the time those examinations were being given so that the coaches knew the questions that were being asked. It was a matter of common knowledge to the residents of

the Center that citizens were ordered by the Hoshi Dan leaders to tell the government examiners that they wished to renounce of their own will and that if they told the examiners they had been coerced into applying for renunciation that they would be punished by Hoshi Dan gangs.

Many citizens were compelled to join the Hoshi Dan and Hokoku Seinen Dan as nominal members to save themselves and their families from violence at the hands of their strong-arm gangs. Many citizens who joined them as nominal members told me they had been under compulsion so to do because of threats made against them and their families. Many of these told me that they had been forced to join and that they did not dare to resign because the leaders and gangs said that if they did not join and that if they resigned they would be reported to the Japanese governmental authorities when they were deported to Japan and there would be punished for having opposed the organizations.

From my own observations I state that every internee was constantly subjected to the menace of the pressure groups. Each was in constant fear of harm from those groups. The whole camp was terrorized by them. The failure of the W.R.A. to protect them against that terror added to their fears. Nearly all those to whom I talked in the Center during the renunciation period secretly expressed to me the view that the U. S. Government had abandoned them and intended to deport them to Ja-

pan any way and that that explained the reason why the W.R.A. did not stop the activities of the pressure groups.

While I was in the Center I did not know and did not learn of one single citizen who renounced U. S. citizenship of his or her own free will or choice. I have not since then learned of a single person who renounced his or her U. S. citizenship by choice. A majority of those who did not renounce were those who least were subjected to the menace of the pressure groups because they were employed in the administrative section of the Center or lived in the blocks farthest away from the parts of camp where the pressure groups were most active.

In November, 1945, a large number of the alien leaders of the pressure groups were removed to Japan. After I left the Center in December, 1945, I learned that all the leaders of the pressure groups, their strong-arm gangs and active members who had engaged in their marching demonstrations had been repatriated to Japan by the end of February, 1946, including those leaders who had been removed from the Center and had been taken to other internment camps by the Justice Department in the spring of 1945. When I was released from the Tule Lake Center in December, 1945, the residents still exhibited fear of the leaders of the pressure groups who up to that time had not been repatriated to Japan. The terror in which the internees were held by those groups lessened after attorney Wayne Collins talked to a number of them about the end of July,

1945, and thereafter, especially after he had filed suit on behalf of approximately 1,000 of the persons who had renounced their citizenship because of it.

/s/ MASAMI SASAKI.

Subscribed and sworn to before me this 26th day of November, 1946.

[Seal] /s/ ALFRED D. MARTIN,

Notary Public in and for the City and County of San Francisco, State of California.

#### AFFIDAVIT OF ERNEST BESIG

State of California,  
City and County of San Francisco—ss.

Ernest Besig, being first duly sworn, deposes and says: I am a citizen of the United States and a resident of San Francisco, California; I am a member of the bar of the State of New York, and, since June 23, 1935, director of the American Civil Liberties Union of Northern California, an organization established to defend the civil liberties of all persons without distinction, with headquarters at 461 Market Street, San Francisco, California.

Ever since the exclusion and detention of persons of Japanese ancestry from the Pacific Coast in 1942, this affiant, as director of the Civil Liberties Union, has concerned himself with numerous civil liberties issues arising therefrom, and especially with problems at the Tule Lake Center, which was located in the area served by this Branch of the American

Civil Liberties Union. This affiant made four trips to the Tule Lake Center between July 11, 1944, and January 31, 1946, and ever since the inception of the camp until its closing he has had extensive correspondence with evacuees as well as with numerous employees and officials at that Center concerning civil liberties issues arising there.

On March 4, 1943, I received a wire from Harry Mayeda, a citizen confined to the Tule Lake Center, inquiring whether certain questionnaire forms should be executed by persons of Japanese ancestry, his wire reading as follows:

“Group here desire advise on whether selective service regulations are applicable to American citizens of Japanese ancestry in relocation center. Do you advise compliance with recent registration orders issued by the War Department and WRA. Appreciate immediate telegraphic reply care of Harry Mayeda, Community Council Tule Lake Project, WRA, Newell, Calif.”

After conferring with my Executive Committee, I wired Mr. Mayeda as follows:

“It is our considered opinion that citizens of Japanese ancestry in centers are subject to Selective Service regulations, and, as a practical matter, we urge compliance with recent registration orders. We think the government’s intentions were good but the method repetitious and otherwise poorly planned and executed.”

In March, 1943, we protested verbally to the office of the War Relocation Authority in San Francisco,



California, and in writing to the War Relocation Office in Washington, D. C., against a compulsory registration of United States citizens of Japanese ancestry on Selective Service Form DSS-304A, entitled "Statement of United States Citizens of Japanese Ancestry" and the War Relocation Authority Application for Leave Clearance" Form WRA-126-Rev. because those written questionnaire forms required citizens of Japanese ancestry to admit, in answering Question No. 28 in each of said forms, that up to the time of executing such forms they had an allegiance which none of them had to Japan and required them then and there to renounce such allegiance and, in so doing, the government could construe that admission against them whether they answered it "yes" or "no" or failed to answer it. Citizens of Japanese ancestry were confined to the Tule Lake Center and other War Relocation Authority Centers at the time.

We also then and there complained and protested against a compulsory answer to said Question No. 28 in said forms which was required by the Army and the W.R.A. of resident nationals of Japan who, if compelled to answer "yes" to said Question No. 28, thereby took an oath of allegiance to the United States which, when taken by an alien, would transform that alien into a stateless person. Thereafter, the Government changed the form of the questionnaires for Japanese aliens so that instead of taking an oath of allegiance to the United States they were required to swear "to abide by the laws of the

United States and to take no action which would in any way interfere with the war efforts of the United States." However, citizens of Japanese ancestry were required to answer Question No. 28 in its original form.

Because of the fear in which citizens of Japanese ancestry just evacuated and then restrained of liberty in those centers, then had of answering such questionnaires which contained such an unfair question as Question No. 28 in excess of 5,000 such citizens in the various W.R.A. centers ultimately refused to answer the questionnaire. Hundreds of others, frightened, gave indiscriminate yes or no answers and many later reported that when they failed to give any answer the government representatives before whom the forms were filled out wrote in answers of yes or no to that question and other questions contained therein.

We also complained that the questions were poorly framed and ambiguous. According to a letter I received from D. S. Myer, the national director of the W.R.A., dated March 18, 1943, ". . . it was necessary to remove a total of 108 evacuees from the center, because of their refusal to comply with the W.R.A. regulation making registration compulsory, and in many instances because of efforts to persuade others not to register. One group was arrested and turned over to the local courts on charges of assault. Jail terms of two to six months were imposed in these cases."

I originally sought to visit the Tule Lake Center

to confer with evacuees during the week of June 12, 1944, but my application was turned down by Mr. R. R. Best, the project director, because, his letter states, "Due to the recent incident at Tule Lake—all visiting privileges have been restricted. . . . We anticipate that this present condition will continue possibly for the next thirty days." Following this letter from Mr. Best, more than 50 evacuees petitioned the W.R.A. for an opportunity to counsel with a representative of the A.C.L.U. concerning their legal rights. After further negotiations with the War Relocation Authority, I was reluctantly granted permission by Mr. Best to visit the Center with my secretary, Mrs. Philip Adams, on July 11, 1944, in order to confer with more than 50 evacuees concerning their detention. As soon as I arrived, accompanied by Mrs. Adams, I was besieged by scores of evacuees who wanted to register complaints with me. Mrs. Yukiko Mori was the first woman I interviewed. She complained amid her tears that her husband had been placed in the Stockade for eight months and that she and her three children had not been permitted to visit him; that she had requested and been denied permission to do so by the Internal Security staff, and that she had been turned away when she sought to appeal the matter to Mr. R. R. Best, the camp director. She said she had also asked the Internal Security office why her husband was detained, but the only answer she received was that it was a long story. After hearing the complaint, I immediately

prepared a written request by Mrs. Mori to visit her husband, which she signed, and I presented it to Mr. Best. Mr. Best declared he had no objection to having Mrs. Mori visit her husband but said she had never sought permission to do so. Mrs. Mori was permitted to see her husband at the Stockade that afternoon.

I had no sooner settled the Mori case, however, when another woman came to complain tearfully that her husband had also been incarcerated in the Stockade for eight months, and that she had likewise never been permitted to visit him. I again prepared a written request and presented it to Mr. Best. This time, however, he merely stated he would consider the request but would give no assurances that the woman would ever be allowed to visit her husband. In fact, Mrs. Mori proved to be the first relative who was permitted to visit the Stockade since its inception the previous November.

I had still other complainants tell me stories similar to Mrs. Mori's, and in each case when the matter was presented to Mr. Best he would agree merely to consider the written application to visit the prisoner. I told him of complaints I had received that prisoners in the Stockade had not been permitted to see children born after their incarceration, and that one young man had been denied visits from his fiancée, whom he was scheduled to marry the day after his arrest on November 13, 1943. Mr. Best acknowledged the truth of these charges, but declined to do any more than consider

individual applications with no promise that it would be favorable. I suggested that it was customary in all of our penal institutions to establish visiting regulations for relatives, and I urged that this should be done for the Stockade, but Mr. Best declined to do so.

Until these women came to me with their complaints, I had no knowledge that there was a Stockade at Tule Lake, nor that around 400 persons had been detained there for periods varying from one month to nine months without any charges being filed against them. Since the relatives of the prisoners not only sought visiting privileges but also my assistance in procuring the release of their men, I arranged with some difficulty to interview seven or eight of those whose relatives had specifically requested me to counsel with them.

The interviews were conducted with considerable difficulty. Although Mr. Best and the project attorney Mr. Irving Lechliter assured me that the men in the Stockade were not prisoners, I was permitted no privacy in interviewing them. A big insolent policeman was at our elbows when we began the interviews, and Mr. Best declined to remove him, stating that I could take it or leave it. Thereafter, however, the project attorney arranged to have the interviews conducted in a tiny room in the Stockade, with an officer stationed at each of the three doors leading into it. Consequently, there was no privacy. In fact, my secretary, Mrs. Adams, overheard a conversation on the telephone

in the adjoining room, as our conference proceeded, and told me that one of the officers declared that they were "taking it down" and that I had a woman in there who was taking it down in shorthand.

Two of the men in the Stockade whom I interviewed complained that when the police arrested them on November 4, 1943, they had been taken to the Administration Building and made to stand against the wall with their hands over their heads. They claimed that the Internal Security officers had sworn at them and had knocked them to the floor with baseball bats and that one boy had been taken to a latrine and beaten up by the officers. Later, I also interviewed and received the same stories from two boys who had been beaten up at the same time and who had been released from the Stockade after lengthy detention without any charges or hearings of any kind. These complaints of brutal beatings were confirmed by Anne Lefkowitz and Gloria Waldron, W.R.A. employees, who told me that when they went to work in the Administration Building the morning following the incident, they found a broken baseball bat and a mess of blood and black hair on the floors and spattered on the walls, which they were compelled to clean up before they could go about their duties.

The eight evacuees I interviewed in the Stockade were unanimous in declaring that at no time had they or anyone else previously held in the Stockade been charged with any offense or been granted any hearing whatsoever. Each stated he had sought

unsuccessfully to ascertain the grounds of his detention from Mr. Best, Mr. Schmidt, the police chief and Mr. Lechliter. They also told me that Mr. Edward J. Ennis of the Department of Justice had talked to them at the Stockade about the new law permitting them to renounce their citizenship during war time, but had advised them against renunciation, whereas Such representatives of the W.R.A. as Raymond Best, Assistant Director Harry L. Black, Project Attorney Irving Lechliter, and Messrs. Schmidt and Mahrt of the Internal Security Police had pressed such renunciations upon them while they were imprisoned in the Stockade. Indeed, in my conversations with each of those W.R.A. officials, each of them stated quite frankly that they had gotten rid of some alien Japanese by sending them to the Santa Fe, New Mexico, internment camp, and that they expected to solve their Stockade problem by getting the imprisoned men to renounce their citizenship and then send them on to Santa Fe for internment. In fact, in a lengthy complaint which I sent to the Hon. Harold Ickes, Secretary of the Interior, under date of July 14, 1944, I stated: "I know the administration is hopeful of solving its 'Stockade problem' by persuading the inmates to renounce their citizenship, thereby permitting their transfer to Santa Fe under Presidential warrants." Although I received a response from the Secretary, he never did answer the precise charges I made in my letter, but the men in the Stockade thereafter were allowed visitors and were released in about a month's time.

At the Center, I protested very strongly to Messrs. Best, Black, Lechliter and other members of the W.R.A. staff against any persons being imprisoned without due process of law, but the protests were received with indifference. It was only after conferences in San Francisco with the national director of the W.R.A., Dillon Meyer, Philip Glick, Solicitor, Ray Best, project director, Robert Cozzens, and Edgar Bernhardt, all of the W.R.A., and Wayne M. Collins, as attorney for the A.C.L.U., held on the eve of the filing of habeas corpus proceedings, that the Stockade prisoners were finally released the latter part of August, 1944.

As has been mentioned, some of the aliens imprisoned in the Stockade had been transferred to the Santa Fe Internment Camp, after being held for many months. The wives of such men complained tearfully to me that they and their families had not only been denied visiting privileges at the Stockade, but when these husbands and fathers were transferred to Santa Fe their families were not permitted to say goodbye to them. They begged me to do everything possible to permit them to rejoin their husbands. I sent written letters to the Justice Department and to the W.R.A., requesting that they also be transferred to unite their families and received the replies that they had no facilities available for families.

The W.R.A.'s cruel treatment of the evacuees is also exemplified by the erection of a beaver board wall on the side of the Stockade facing the colony



or main camp. This wall was erected to prevent the worried women and children of the prisoners' families from waving to them a hundred yards away. Before the wall had been erected, Internal Security officers had from time to time driven these people away, and on a number of occasions had shot over their heads to frighten them away.

On August 11, 1944, several of the wives of the Stockade prisoners, who were near hysteria from the prolonged concern over their husbands, tried to get permits to see them. When permits were denied, the women refused to go home, so Internal Security officers dispersed them by dumping water on them. A number of them and several W.R.A. Caucasian employees wrote me complaining of this mistreatment.

The Stockade prisoners complained to me that their mail was being censored, and, at the time I visited them, they had not received mail for ten days. Later, my own letters to them were held up. Mr. Lechliter told me the W.R.A. had established the censorship and would continue the censorship. I complained to the project director, Mr. Best, without result. I also complained of this matter to the Postmaster General in Washington, D. C. by letter and received a letter reply from the First Assistant Postmaster General that all mail was delivered "to the authority of the War Relocation Center, and the censorship or handling of mail after delivery has been so effected is a matter over which the Post Office Department has no jurisdiction."

After spending two days at the Center interviewing evacuees, I was called to the office of Mr. R. R. Best, the project director, and informed by him that my presence at the camp was interfering with the investigation of the July 2nd Hitomi murder (which was wholly untrue), and even though I had not interviewed all of the people who had appointments with me, I would be compelled to leave at once. Consequently, Mrs. Adams and I packed up at once and departed under the escort and surveillance of two armed Internal Security officers who followed us in an automobile. As I stated in my letter of July 14, 1944, to Secretary Ickes, "It is rather difficult to understand why such a procedure was necessary, but then, from our observation, we have found that an arrogant display of force is the rule rather than the exception at the Center." We drove the 500 miles to San Francisco with great difficulty, discovering after our arrival that two sacks of salt, including the paper sacks, had been dumped into the gasoline tank of my car while it was parked in the administration section of the camp.

"I regret to say," said my complaining letter of July 14, 1944, to Secretary Harold Ickes, "that instead of being met with a spirit of cooperation when we came to Tule Lake, obstacles were constantly placed in our way to prevent our getting information. We even have evidence that an effort was made to keep us apart from the Caucasian personnel because we might question them.

"We appreciate, of course, that Tule Lake pre-

sents many difficult administrative problems. At the same time, I venture to say that the present policy of keeping the lid on can result only in further difficulties. I sincerely trust that some investigation will be made into what appear to me as intolerable conditions and practices.”

In discussions I had there with Mr. Best I was told by him that several thousand alien Japanese who wished to be repatriated to Japan had been brought into the Tule Lake Center with their families and were scattered in dwellings in the Center among thousands of citizens of Japanese ancestry and thousands of aliens who wanted and hoped to remain in the United States. He told me that the citizens and aliens who had long been in the Center did not want to be transferred to other camps away from the neighborhood of their former homes on the Pacific Coast. He told me that he knew of the dangers the situation presented and of the terrific pressure the aliens who desired to be repatriated to Japan were subjecting the citizens in the camp and also subjecting the aliens there who wished to remain in the United States. I told him that I thought such a dangerous situation ought to be corrected and that the aliens who desired to be repatriated to Japan should be segregated from the residents of the Center and be placed in separate quarters where they could not intermingle with the others. He said that the Government would not undertake what he called a “forced segregation” at the Center. He told me, in substance, that such a segregation would

be regarded as a confession of weakness on the part of the camp authorities' management of the Center and also that if the Government carried out such a segregation it would look as though the management had given in to the demands the aliens there who were seeking repatriation already had made for quartering them separately in the Center from the others.

From my own personal observations made in the Center and from talks I there had with members of the W.R.A. staff and employees and numbers of the internees, and also from correspondence I had with them, I learned that the Center then was ridden by countless fears of the internees as to what the Government had in store for them, fears that all of them would be detained and be deported, fear that, if relocated, their safety would be jeopardized by hostile communities, fear of the troops stationed in the Center, fear of the police there, fear of the aliens who were there to be repatriated to Japan and the desire of such aliens to Japanify the Center and fear of the gang warfare of which those alien groups were guilty. The W.R.A. administrative staff was itself riddled with and suffering from factionalism, intrigue and espionage. There was open criticism of the inept handling of affairs by responsible staff members who stated that the conditions under which the internees were living and the mismanagement of the camp could only bring dire consequences. A considerable number of the administrative personnel, as was pointed out to me

and as I observed, were Southerners who were outspoken in their contempt of the internees as members of a colored race, and the just complaints of a colored race, and the just complaints of evacuees against the manner in which the center was operated were augmented by the resentment and fear the race hatred exhibited by the civil servants invoked in them. A minority of the camp staff were friendly to the evacuees and sought to help them as much as possible, but their friendliness merely caused further dissatisfaction and strife because they were assailed as "Jap-lovers" by a majority of the administrative staff.

The isolated position of the Center and the difficulty in gaining access to it made it relatively easy for the camp authorities to carry out a policy of silence in connection with events occurring therein. The authorities there made a studied effort to keep stories of events from newspaper reporters, and staff members expressed to me their resentment for my having publicized and opposed the reign of terror at the Center. Mr. Robert Cozzens and other officers of the W.R.A. expressed this resentment to me.

While I was in the Center I expressed amazement to Mr. Best that Japanese language schools were allowed to be conducted in the Center. I told him that it was dangerous to allow those schools to exist and that it was wrong for the administration to stand by complacently while parents of children in the Center were being forced to send their children

to such schools where they were subject to being indoctrinated with Japanese sentiment. Mr. Best told me that the maintenance of those schools was justified because "the evacuees would be sent to Japan anyway so it was desirable to have them learn about Japanese culture."

After I returned to San Francisco, I received letters from Anne Lefkowitz, a W.R.A. employee at the Center, and from several internees complaining that Internal Security officers in the Center, in attempting to track down the Hitomi murderers, were giving the "third degree" to suspects picked up in the Center. The suspects were picked up without warrants of arrest and were questioned for hours on end before being released. Tetsunori Osedo, for example, wrote me that he was picked up by Internal Security officers twice, once on September 5, 1944, and again on September 12, 1944. On the first occasion he was held for five days without being brought before a magistrate. First he was questioned at the Stockade for about nine hours before being transferred to the county jail at Alturas, California, where he was questioned steadily without an opportunity for a rest besides being threatened with violence. On the second occasion he was again removed to Alturas without the benefit of a warrant and after being questioned in like fashion for about 12 hours was released and retaken to the Center.

On September 21, 1944, Internal Security officers, without the benefit of warrants, seized four high

school boys in the Center for questioning in connection with the Hitomi murder and released them later that day.

Mr. Edgar Bernhardt, a W.R.A. staff officer, admitted to me that these unlawful arrests were made by Internal Security officers at the Center.

The petty tyranny of the W.R.A. Internal Security officers is also exemplified by a written memorandum which Mrs. Masaye Nagashima received on June 26, 1944, from the Internal Security, signed by Fenton Mahrt, Senior Officer. It read: "On Tuesday, June 27, 1944 you and all members of your family will be called for and taken to the Police Station for interview. Kindly be prepared to leave when the officer calls for you at 1:30 p.m."

Many other women internees complained to me while I was in the Center, and many of them thereafter, by letters, that they had been terrorized by Internal Security officers coming to their homes and questioning them for long hours.

In July of 1945, the Civil Liberties Union intervened in the cases of five boys in the Center ranging in age from 15 to 17, who were charged with the violation of certain project regulations. They were tried by the Project Director, denied the right to bail, counsel, trial by jury and the right to subpoena witnesses. The Project Director sentenced them to serve terms in the Stockade ranging from 120 to 370 days. On August 10, 1945, petitions for writs of habeas corpus were filed on behalf of those boys in the U. S. District Court in San Francisco

and show cause orders issued thereon. The names of those boys are Thomas T. Imagawa, Haruo Tateyama, Shoso Takahashi, Shoso Yamasaki and Saige Okada, and those proceedings were numbered 5307, 5308, 5309, 5310 and 5311 in said court. Rather than litigate the matter and have the matter publicized the W.R.A. liberated each of the boys from the Stockade and, thereafter, on September 10, 1945, the proceedings were dismissed by the petitioners.

On August 10, 1945, I received an official written communication from Hon. Abe Fortas, the Under Secretary of the Interior, dated August 6, 1945, the date of my receipt thereof being stamped thereon by me. Said official communication was written by the Hon. Abe Fortas in his said official capacity as the head of the War Relocation Authority, under Secretary of the Interior Harold L. Ickes, to whose charge all the persons of Japanese ancestry detained in the Tule Lake Center had been committed by the President of the United States, in the performance of his official duties and concerning matters of which he had official knowledge. Said communication contains, in paragraph numbered "1" therein an official finding, judgment, declaration and report, made by him as such officer in the course and line of his official duties, and of matters of which he had official cognizance, that each and all of the renunciation applications executed by American citizens of Japanese ancestry in the Tule Lake Center during the winter then past were primarily due to pressures of the organizations therein men-



tioned. A photostat copy of said official letter is annexed hereto and incorporated herein and made a part of this affidavit for the recitals of fact it contains and the aforesaid official finding, judgment, declaration and report.

It was sometime during the middle part of January, 1946, when I again visited the Tule Lake Center that I discovered that a slave labor racket then was being carried on and had been continuously carried on since the inception of that Center. It then was and all during said period of time had been the practice of the Caucasian personnel to hire, for their own private purposes, internees who were hired in the capacities of nursemaids, cooks, domestics and cleaning women at concentration camp bargain prices of \$30 a month for a forty-hour week. Of this sum, the internees hired received \$19 and a \$3.75 clothing allowance and the balance of the \$30 was deposited in the treasury of the Recreation Club in the administration section of the Center which was operated only for the benefit of the Caucasian personnel. A Personnel Mess Hall served cheap meals only because such concentration camp labor was paid slave wages. Indeed, the waitresses received only \$16 a month for a forty-hour week. The Recreation Club had a barber shop where men's hair cuts could be secured for 40c at a time when the price in San Francisco was 85c for like service performed by free men. The barber received \$19 a month for his forty-hour week services. The beauty parlors operated by

internees for the benefit of the Caucasian personnel charged 75c for shampoos and \$4.50 for permanents but the operators received only \$16 per month for a 40-hour week. In the closing months of the Center internee operators were no longer available so Caucasian personnel were hired at the prevailing outside wages for regular operators. I am informed that auto repairing and car washing were handled by internees for the Center's Caucasian personnel at the same slave labor rates. In a sense, the Japanese were not required to take these jobs but if they didn't work they did not receive a clothing allowance. Those who worked received a personal clothing allowance of \$3.75 per month plus \$1.75 for each child.

Originally, all of the Japanese were hired through the Co-operative established by the Segregees, and they got the benefit of the few extra dollars above the monthly wages paid by a W.R.A. employer. When the Co-operative demanded that the employers increase their payments, the employment bureau was transferred to the Recreation Center operated for the benefit of the Caucasian personnel.

My second visit to the Tule Lake Center was made on July 30, 1944, when I was permitted to appear as counsel in certain proceedings before a leave clearance Appeal Board. On this occasion, I was also permitted to confer with persons who had previously made written requests to counsel with me, and who had been denied that opportunity at the time I was ejected from the Center on July 12, 1944. From my own observation and discussions

with the internees I talked to and members of the W.R.A. staff and personnel, I had knowledge that the internees in the Center were worried and in fear of what the Government intended to do with them, of acts of violence which had occurred in the camp, of their deportation, and of community hostility to them.

I again visited the Tule Lake Center in early January, 1946, and stayed on during the first few days while the so-called mitigation hearings were in progress and attended a number of those hearings as an observer. The evacuees were denied the right to counsel by the government examiners. All during my stay I saw, observed and found the evacuees to be in a state of terror. Members of the Hoshi Dan pressure groups were still in the camp and seeking to impose their will upon the evacuees generally. A large number of the internees, in excess of five hundred, told me that they had renounced American citizenship in 1945 involuntarily, because they were compelled to do so because of the great fear and terror in which they had been held by the pressure groups which had ordered them to renounce and threatened all the citizens in the Center that if they didn't they would be injured by their gangs and that when they were deported by the government to Japan they would be punished there for having refused to do so and for having opposed their movement and for being loyal to the United States. They said there had been no let up in the activities of the pressure groups until August, 1945, after the renunciation hearings were finished

and that everyone in the camp was in great fear of them until most of the pressure group leaders were repatriated from the camp to Japan in November, 1945, and that a large number were still in fear of the leaders of those groups who still were in camp but were soon to be repatriated to Japan.

I re-visited the Center in the latter part of January, 1946, and found the same conditions still existing, although the terror in which the pressure groups had held the whole camp had subsided considerably.

During my visits to the Center in January, 1946, I met and became acquainted with internees Frank Shimada, Kaoru Tsuneshige and Yukio Kataoka, each of whom long had been mentally incompetent, as was obvious from their physical appearance and talk. Each of these had executed renunciation applications at their renunciation hearings and the first two of them had received letters of approval of their renunciation from the office of the Attorney General.

I also learned later that a Mrs. Fudetani, an internee, sometime in February, 1946, because of her worries and fears arising from her detention, was committed by the Center authorities to a mental institution for hammering one of her children to death and injuring another. A Mr. Shamazu, an internee, worried over his separation from his sons, tried to commit suicide by drinking gasoline. A Mrs. Kato, an internee, took pills in an attempt at suicide because of her fear of being deported from the United States. Many mental cases were known

to have been hospitalized at the Center because of their fear of the pressure groups, continued detention, deportation, separation from their families and the splitting of their families. After renouncing in 1945 Mrs. Yoshiko Shinde, was found to have been a mental case, and was committed to the Stockton State Hospital by the camp authorities.

Unfortunately, the violence to which evacuees returning from our concentration camps were subjected in hostile civilian communities in this country was particularly bad in January, 1945. Appearing before the 51st annual convention of the Sheriffs of California, held in Sacramento on March 16, 1945, Robert W. Kenny, Attorney General of California, had the following to say about the violence which returning evacuees were meeting:

“On January 22 a group in Tulare County of Orosi ranchers and business men appeared and threatened the evacuee owners of a fruit and vegetable ranch with a deadline for them to leave. Why? Could it have had to do with a desire to prevent the returning Japanese-Americans from resuming their farming operations and putting their products on the market?

“On January 18, 1945, two civilian brothers and two brothers AWOL from the Army attempted to burn, and dynamite, and did some scare-shooting at Sumio Doi's ranch near Auburn. Why? The Doi family had a son in that Army unit which rescued the lost battalion of the 30th Infantry. Has that heroism been completely forgotten? Could it be that the Dois are good farmers. . . .

“Riders in the night poured shot into the homes of Sam Takeda near San Jose, Sam Uyeno near Orosi, John Shirokari at Lancaster. At Oakland, Kahuichi Sadamune who has three sons in the Army, was threatened by 'phone at 2:30 a.m. Are not these activities more reminiscent of Ku Klux Klans and Vigilantes than of our much-vaunted 1945 methods of protection of rights and maintenance of peace?”

Hundreds of cases of violence against returning evacuees occurred between January and August, 1945. In fact, the violence was not limited to the Pacific Coast, because when evacuees secured leave clearance from relocation centers before 1945, they were met with violence in numberless instances in the Western States.

/s/ ERNEST BESIG.

Subscribed and sworn to before me this 6th day of December, 1946.

[Seal] /s/ ALFRED D. MARTIN,  
Notary Public in and for the City and County of  
San Francisco, State of California.

### AFFIDAVIT OF THOMAS W. GRUBBS

State of California

City and County of San Francisco—ss.

Thomas W. Grubbs being first duly sworn, deposes and says:

I am an adult citizen of the United States and of the State of California, residing therein at 1500

Post Street, San Francisco, and I am and at all times herein mentioned was a duly ordained minister of the gospel of the Christian faith and of the Presbyterian Church in the United States of America.

The religious work in the relocation and segregation centers was carried on under the auspices of the Protestant Church Commission, the co-ordinating agency for work with the Japanese of all the Protestant denominations in the United States. A representative of this agency, the Rev. Gordon K. Chapman, arranged with Mr. Best, for my service as a Christian minister to the English speaking young people in the Tule Lake Center. During this time I was employed by the Board of National Missions of the Presbyterian Church in the United States of America and this Board sent me as a minister of the gospel to Tule Lake, Modoc County, California, in June of 1944. I was permitted to work in the Tule Lake Center in the Union Church as a minister from about the middle of June, 1944, to about the first of February, 1946, by Mr. Ray Best, Project Director of the Tule Lake Center. He permitted me to work in the "colony," the inner internment area in that Center where the internees were confined and lived.

Approximately 18,000 men, women and children of Japanese ancestry, including citizens and aliens, were confined to that Center when I arrived. The Center was surrounded by a high steel wire fence which was topped with barbed wire. Soldiers pa-

trolled the fences and armed guards were stationed in the watch towers that surrounded the Center.

I worked in the inner area of the Center nearly every day during that period of time with the exception of an interval of approximately two and one-half months extending from late August, 1945, to early November, 1945, leaving each night when my work was finished. I conducted my religious services in a building that had been assigned by the W.R.A. for use as a church. I held Sunday services there, conducted Bible study groups and choir and performed general ministerial duties. For some time I engaged in making ministerial calls at the homes of internees but about the first of December, 1944, finally abandoned the practice because of the embarrassment such calls caused to the residents by reason of the peculiar conditions that reigned in the Center. The number of persons who attended my church varied from 50 to 75 persons each Sunday.

In the early part of July, 1944, one of the internees whose name was Yaozo Hitomi was murdered in the Center. The whole camp was alarmed by this crime which was reported in the Center newspaper. The person or persons responsible for the crime were not apprehended and the fact that a murderer or murderers were loose in the Center spread terror among the internees and many of them feared to leave their homes at night. At the time there was still much talked in the Center about the shooting of Jimmy Okamoto who had been shot by an M.P.



at the entrance gate to the Center which had engendered in the internees an outspoken fear of the possibility of troop violence against internees.

During the first few months I was in the Center I observed a number of Japanese language schools which were in operation there and how they flourished. A number of the teachers in those schools were alien Japanese, a number of whom I understood were to be repatriated to Japan of their own choice. The classes of which I obtained personal knowledge were conducted entirely in the Japanese tongue. The W.R.A. supplied these schools with light and coal. Barracks which could have been and ought to have been used for recreation purposes by the children of school age were delivered over by the W.R.A. for the conduct of these Japanese language schools. Had they been used for recreation purposes instead much of the trouble that happened in the Center would not have occurred and the story of renunciation would have been different.

On a number of occasions in October and November of 1944, I saw the pupils of various of these schools in semi-military formation, the tiny boys with heads shaven, the older boys with close-cropped hair following the fashion of students and soldiers in Japan, and the girls with braided hair in the fashion of school girls in Japan. Hundreds of children attended these schools where they were taught reverence for the Japanese Emperor and were indoctrinated in Japanese militarism.

A boy who was active in my church came to see

me one Sunday in late October, 1944. His hair was cut short. He said he had been compelled to have it cut short as a condition of attending the Japanese language school which was situated in Block 25 just across the road from my church. He said he was ashamed of having his hair cut like that. About a month later he came to see me again and said he had quit that school because of what the teacher taught the class. He said the teacher made the pupils bow in the classroom to where in a school in Japan a picture of the Japanese emperor would have been hung—that the teacher taught about the glory of Japan and praised the virtues of Japanese soldiers and militarism—that he was opposed to these things—that he was an American and that he quit the school because of these things.

That school was just across the road from my church. Two classes of pupils attended during the day, each class consisting of between 25 and 30 pupils. I frequently saw these children as they entered and left that school. The tiny boys had their heads shaven, the older boys their hair close-cropped and the girls had their hair braided in the Japanese style. They spoke in the Japanese tongue. During October and November of 1944 I frequently saw these children march around the school, engaging in exercises which were Japanese exercises. Often during that time I heard them singing foreign songs in their classrooms. A boy, Minoru Mochizuki, told me some of the songs they sang were Japanese war songs. A nisei member of my church

told me the pupils in that school were taught about the glories of the Japanese soldiers.

It was a matter of common knowledge in the Center among the internees and the Caucasian W.R.A. staff and employees that a number of the Japanese language schools were dedicated to a program of indoctrinating pupils with the ideals of Japanese militarism with the hope of weaning them from devotion to the United States to gain an attachment on their part to Japan. In the school across the road from my church and in a number of others the teachers forbade the pupils to speak in English, to participate in American dances and warned them against attending the American movies which were shown in the Center, the purpose being to convert them into Japanese and have them shun things American. A number of these schools were centers for the dissemination of pro-Japanese nationalistic propaganda. It was a matter of common knowledge that teachers experienced considerable difficulty in getting the children to speak Japanese and in their efforts to Japanize them and that the children did not enjoy attending the schools but were helpless to do anything about it. None of these schools were conducted under the supervision of Caucasians and none of them were interfered with by the W.R.A. I heard that the Hoshi Dan conducted a Japanese language school of its own.

From the time of my first arrival in the Center I sensed a strange atmosphere in the Center and a somewhat tense attitude of the internees and a re-

luctance to discuss their problems. They were not acting as normal persons act. At first many of my church members hesitated to confide in me. Upon repeated occasions during August and September of 1944 I was visited by officers of the Internal Security Police force and was interrogated by them as to when I preached, when I held meetings, what I preached, how many internees attended the services, whether any Caucasians attended and a history of my religious duties and practices. As a result of these interrogations it soon dawned upon me that either I was doing something wrongful or that something was radically wrong in the Center, and, consequently, I received the distinct impression that the Internal Security Police were interested in suppressing knowledge of something that the outside world knew nothing about and that they were fearful that I might make public what I observed went on in the inner area of the Center.

It is my recollection that sometime during the late summer or early fall of 1944 the Hoshi Dan and the Hokoku Seinen Dan were organized in the camp. I had no actual knowledge of these organizations until they commenced to march, drill and exercise in the inner area of the Center in November, 1944. These organizations had their headquarters in the inner area. These organizations long conducted a propaganda campaign to have citizens renounce and ask for removal to Japan. Their activities went far beyond a mere propaganda stage. They engaged in mass drilling and the wearing of

Japanese emblems. Their heads were close cropped or shaved. I first saw these groups marching in a body of 100 to 200 persons and drilling in formation sometime during November, 1944, in the inner area. The numbers of these marchers increased up to 500 and then 1000 or more persons by April, 1945, while the renunciation examinations were being held. They carried on those activities openly and kept the internees in a state of terror. During that period if an internee had any idea or desire of being relocated in this country he dared to talk about the matter only with those whom he knew he could trust and then only in very low tones because of intense fear of the pressure groups. A number of them talked to me in secrecy about these matters during that time.

It was a matter of common knowledge among the internees and the W.R.A. staff and personnel in the Center and a matter of almost daily discussion among them during the time that such pressure groups existing in the Center had coerced and were coercing men, women and children who were American citizens into renouncing and also aliens into asking the government to send them to Japan. I received frequent reports from members of my church that individuals had visited their homes to pressure them into renouncing citizenship and asking for removal to Japan. The coercion was direct, indirect and subtle. It was exerted in three general forms, (1) direct on them by threats of violence against them and their families and through intimi-

dation by mass marching, exercises and demonstrations, (2) through coercing parents to compel their children to attend Japanese language schools where the instructors used the classrooms to indoctrinate the pupils with Japanese propaganda and tried to Japanize them and (3) through coercion exerted on the parents to compel their children to renounce. During that time reports were rife of assaults and threats of violence by the pressure groups.

Very few aliens and citizens dared to leave the colony, that is, the inner area, to go to the administrative area to apply for leave clearance during that period because of the fear that if they did so that fact would be reported to the pressure groups and result in endangering themselves or their families. All internees over 12 years of age had been fingerprinted, photographed and were forced to carry identification badges. Internees were prohibited from leaving the inner area to enter the administrative section unless they first obtained a special permit from the internal security police. The turnstile gate opening from the inner area to the administrative section was closely guarded first by M.P.'s, later by the internal security police and finally by border patrols of the Immigration Service.

On repeated occasions in the late fall of 1944 I was verbally warned by the Army Chaplain who was attached to the detachment of troops in the Center not to go into the inner area of the Center at night because it might endanger my life or well-being. One afternoon a week during September,

October and November of 1944 the Reverend Shozo Hashimoto, a Japanese Christian minister, took me with him in making calls at various homes on internees in the Center. In December of 1944 he ceased doing this. I later learned from a nisei friend that he had stopped taking me with him because of his deep fear that a continuance of the practice might result in danger to himself, and his wife and daughter who lived with him in the inner area.

I was in the Center daily during the renunciation examination period. The pressure from the organizations on the community at large and parental pressure were so intense during the time that many young people had no alternative except to renounce and ask to be sent to Japan. For example, one young girl whom I knew, because of the fears that beset her, marched with the Joshi Dan girls in semi-militaristic formation and renounced but soon after a young Nisei soldier came to the Center to prevent her from being forced by her parents to go to Japan. Soon thereafter I had the pleasure of performing the ceremony that united the two in wedlock.

Almost as soon as their renunciation hearings were over a number of young people began to come to me in secret asking what could be done for them because they really had not wanted to renounce their citizenship. Their fears were so great that my talks with them were held with special caution. My discussions with them about writing to the Department of Justice about the matters were conducted

in secret because they feared lest any member of the pressure groups might overhear us and cause harm to them or their families if the matter became known or their parents learned about it. I wrote to the Department of Justice on behalf of many of these young nisei secretly and received replies from that Department in my own mail box lest the alien parents of these children or the pressure groups or a block manager should find out about the correspondence with the Department and the purpose of the correspondence and harm befall them as the result.

Only a person who was in the Center during the renunciation period and the period preceding it can begin to understand the terrible fear complexes which gripped the internees. The psychology of the internees that led to the renunciations was born of their mass evacuation, prolonged internment with no expectation of release, anticipated deportation to Japan, hostility which surrounded them outside the Center, the constant menace of the pressure groups inside the Center, the apathy of the W.R.A. toward their plight and its failure to afford them protection from the menace of the pressure groups. The resultant worries, distress and fears these things engendered in their minds drove them into despair and deprived them of all sense of reality and they did not and could not respond as normal beings. The psychological pressure brought upon the citizens to renounce and to ask to be sent to Japan was constant, terrific and intense. No one



who has not lived and worked with them behind the fences in a concentration camp where, with the exception of those attending the Christian Churches or the American school, they were practically separated from Caucasian friends and influence, and who did not observe the conditions under which they were compelled to live and suffer can feel, appreciate or realize the terrible fear they lived in and the then prevailing psychological currents that developed the terror in their minds that drove them into renunciations of citizenship.

/s/ THOMAS W. GRUBBS.

Subscribed and sworn to before me this 30th day of November, 1946.

[Seal] /s/ ALFRED D. MARTIN,

Notary Public in and for the City and County of San Francisco, State of California.

### AFFIDAVIT OF ANN RAY

State of California,

City and County of San Francisco—ss.

Ann Ray, being first duly sworn, deposes and says: I am and at all times herein mentioned was an adult person, over the age of twenty-one years, a native born citizen of the United States of America, and a resident of the City and County of San Francisco, California, residing therein at 325 Arguello Boulevard.

From January 17, 1946, to January 26, 1946, I

visited the Tule Lake Center at Newell, Modoc County, California, where, with the permission of Mr. Ray Best, the Project Director of said Center, I was quartered in an apartment situated in the administration area. I went to the Tule Lake Center as an "observer" for the Northern California Branch of the American Civil Liberties Union and at the request of a number of persons of Japanese lineage who were confined to that Center and who requested me to appear as a friend at hearings which I was informed were hearings ordered by the Attorney General of the United States to be given and which were to be given them by government examiners. I never saw any such order or orders, however, and no written orders at any time whatever were shown or exhibited to me. The hearings which I attended at that Center were not called hearings on orders to show cause, however, but were called "mitigation-hearings" by the government examiners.

I attended twenty (20) complete hearings which were held in a building in the Center during the aforesaid period of time I was in the Center. I attended hearings held by the following government hearing officers, Messrs. Neelly, Pennington, Doser, Murff, Sahli, Barber, Noreve and Mulle and Miss Ollie Collins. A few of those hearings lasted only ten minutes and the others ranged up to two hours. While there I saw hundreds of renunciants waiting in the corridor of the building and in its waiting rooms where they were awaiting like hearings.

Without exception all those whom I there saw appeared grave and in fear. Many were trembling and all appeared serious and highly nervous. Many girls and mothers cried. Each exhibited in face, speech and action the characteristic symptoms of worry, distress and fear. Each of the persons whose examination I attended told me, just before being called into the examining room, that he or she was nervous and in fear and I saw that each therein was nervous and trembling. Many were incoherent. All appeared intimidated.

During that time I spoke to a number of the government examiners who had been assigned to conduct said hearings. Mr. Charles Rothstein and Mr. Neelly, government examiners, on January 18, 1946, at said building told me that none of the renunciants was allowed to have an attorney represent him or her at the examinations or to be advised by an attorney or to have any legal advice whatever. I was then and there told by each of them that I could not ask any questions of any renunciant or any witness at the hearings. Both of them told me that I could not take any notes and wouldn't be allowed to make any notes of the hearings. Consequently, I did not make any notes in the hearing rooms. However, I made notes of each of the hearings I thereafter attended. I made those notes in pencil in my notebook immediately following each hearing I attended. That notebook with the notes I wrote therein I kept and still have in my possession.

None of the renunciants whose examination I

attended was represented by an attorney and none of them was advised by an attorney and none of them had any legal advice or any independent advice about the hearings. I neither saw nor heard of any witness from the outside world being called or appearing on behalf of any renunciant. There was no procedure or time allowed any of them to obtain outside witnesses. There were a few American soldiers of Japanese ancestry on leave from foreign battlefields visiting their families in the Center and I was informed that during their visit they appeared on behalf of renunciants in their families.

Many of the renunciants and members of their families who appeared as witnesses for them were incoherent in their speech because of anxiety and fear and could not adequately express themselves in answering questions put by the examiners. All of those whom I there saw during the examinations looked worried, depressed and in fear and all of those whose examinations I attended told me just before entering the examining room that they were worried and scared.

On January 18, 1946, at 9 a.m., at their requests I accompanied Sam Bozono and his sister, Fumiko Bozono, renunciants, to Room G in that building, to attend their hearings as a friend. In that room Mr. Neelly, the government examiner before whom the two were to appear for their hearings, addressed me and said, in substance, "You are an observer for the Civil Liberties Union. You cannot attend

a hearing. I ask you to leave the room." I told him I was asked to attend simply as a friend of Mr. and Miss Bozono, who were frightened. He said "It makes no difference. You will have to leave the room." I left. I went to see Mr. Rothstein and told him what had occurred. He said, in substance, to me, "Well, it doesn't make any difference. The hearings are just routine procedure. Everything is decided in advance. Certain arbitrary factors determine a right to release. The testimony of the examined and their witnesses doesn't make any difference." He said he would tell each examiner to admit me and also Miss Catherine Porter at hearings.

After my talk with Mr. Rothstein I later was admitted to other hearings held by Mr. Neelly, who told me, however, at the next one I attended before him that I could not take any notes of what went on at the hearing. Nevertheless, I made notes of that hearing and of each hearing I attended just as soon as I left the examining room and entered the corridor at the conclusion of each such hearing. I made my notes in pencil in my notebook which still is in my possession.

On January 22, 1946, Mr. Masaharu Mario Nakano, a young man who was a renunciant who had a wife and two dependents, asked me to appear with him at his hearing scheduled for that morning because, as he said, he was scared and afraid to go alone. Hearing officer Mr. Field in Room D of that building excluded me from his hearing. I

saw Mr. Nakano when he came out of the examining room about 20 minutes later with Mr. Rothstein and Mr. Field. I said to Mr. Rothstein, "Mr. Nakano was absolutely frightened." I then turned to Mr. Nakano and asked in their presence if he hadn't asked me to appear as a friend at his hearing and he said, "Yes, but I was afraid to tell Mr. Field because I felt he didn't want you there."

The government examiners had dossiers in their possession in the case of each person who was examined. The examiners looked through and scrutinized papers in those dossiers in my presence during each examination and questioned them from matters contained therein during the course of those hearings but they did not exhibit or allow any of the renunciants or witnesses to look at the files or any document contained in them. They cross-examined the renunciants about things and matters contained in those dossiers.

At none of the hearings I attended did I hear any examiner tell a renunciant, in substance or effect, that he or she was an alien enemy or was deemed to be an alien enemy or was considered to be an alien enemy or that if he or she was unsuccessful in the examination he or she would be removed or be ordered removed to Japan. A number of the examiners, however, did tell the renunciants examined in my presence that if he or she was successful at the examination he or she would be recommended for a release from detention.

One morning during my stay in the Center one case was directed to my attention where an examining officer was the same one who had given a renunciant his renunciation hearing months before. The same day I called the matter to the attention of Mr. Rothstein and asked him whether or not some of the renunciants were being given hearings by the same officers who had given them their renunciation hearings and whether such a procedure was proper or authorized. He said to me, in substance, "It doesn't make any difference, the hearings don't amount to anything—it's all right—the way the hearings are conducted is immaterial—release depends upon arbitrary factors and not upon the hearing."

One evening while I was in the Center I was invited to visit the home of the Opler family which was situated in the administration section of the Center. I accepted and visited Dr. and Mrs. Marvin Opler in their home. Dr. Opler was the "Community Analyst" for the W.R.A. While there Dr. Opler told me that for a long period of time he had been conducting "rumor" experiments in the camp.

I attended a few hearings conducted by government examiner, Miss Ollie Collins, who was kindly, pleasant and tried to allay the fears of the renunciants who appeared before her for their examinations. I attended her examination of Mr. Frank Shimada who had renounced. I observed that Mr. Shimada was practically blind in both eyes and that one of his hands was maimed. His mentality

was seriously impaired. These conditions were the result of injuries I learned he had suffered when he was a child about six years of age as a result of an explosion. His speech was labored and difficult and he did not appear to grasp either the nature or purpose of his examination and all his answers to questions put to him by Miss Collins, as I recall, were "Yes." Miss Collins amplified his answers and restated them to her secretary who took them down in shorthand. He was mentally deficient and his whole physical appearance, facial expression and answers clearly displayed a defective mentality. His renunciation had been approved months previous. It would have been impossible for him to have had the slightest idea of what had gone on at his renunciation hearing. I was informed that he was unable to read or write English or Japanese, but that he could write his name in English. Miss Collins called Mr. Shevlin into the room to show him that a renunciation had been accepted from a person in his physical and mental condition.

While I was in the Center I talked to approximately 200 renunciants. Each of these men, women and children told me that he or she and all the renunciants had renounced because of a combination of reasons which prevented them from doing otherwise. Each said that at the time of the renunciations he and all the internees in the Center long had believed and feared and then believed and feared that the Government was going to deport all of the



citizens and aliens to Japan and that the Government had announced they would be sent there on an exchange ship. Each said that because of the hostility to persons of their ancestry that was reported to them existed and then did exist in civilian communities outside the Center they believed and feared that if the Government forcibly relocated them that they and their families would have been attacked, killed or seriously injured by hoodlums simply because they were of Japanese ancestry and that they then had believed and feared, as a matter of fact, that the Government was going to deport them anyway and that it wanted them first to renounce; that he and all the internees then and for a long period of time before then lived in great fear of the pressure groups which had developed from the ranks of the aliens seeking repatriation to Japan who had been brought into the Center in 1943 and had not there been isolated from the rest of the internees; that they had been especially in fear of the Hoshi Dan leaders and mobsters who had intimidated them for a long period of time commencing in the autumn of 1944 and had been guilty of disseminating disloyal and subversive propaganda in the Center and had made many threats against the internees who opposed them and their movement and had committed many acts of violence against internees who opposed them and failed to obey their threats and orders.

Each told me that he and all the internees then

long had been intimidated, threatened and told by Hoshi Dan members that they had to renounce and ask to be sent to Japan and that if they didn't do so they would be punished by them and that, because the Government was going to deport all the internees anyway, that they had to renounce and ask to be sent to Japan "to save their skins when they got to Japan" because if they didn't the Hoshi Dan leaders would report them to Japanese authorities for having disobeyed their orders and opposed their movement and for being American spies and that in Japan they would be punished as American spies. Each of them told me that he and all the internees then had believed these threats would be carried out and that they were in great fear because of these beliefs and were compelled to renounce for these reasons.

Each told me that he and all the internees in the Center had not dared to tell the government hearing officers at the renunciation hearings the real reasons why they signed renunciation applications because they then had not dared to tell them because of the fears and terror then existing in their minds. Each told me that he did not dare to tell them of the terror in which the pressure groups then existing in the Center had held him because of his belief and fear that if he did so those threats would be carried out and his life and the lives of members of his family would be endangered. Each said the Hoshi Dan leaders and gangsters intimidated them into telling and trying to convince the renunciation hearing officers that their renunciations were voluntary and that no one had coerced or tried to coerce them into

renouncing and that they were compelled to obey because if they had not done so they believed they would have been harmed or injured by those groups.

They told me that the renunciation examiners had seen the Hoshi Dan marching demonstrations while they were in the Center to conduct the hearings and knew all about the terror and that they believed the examiners wouldn't pay any attention to statements about their fear of the organizations and that if they said anything to the examiners about their renunciations having been coerced the gangs would learn about it and injure them and their families.

Each of them said that because no one had been allowed to attend their renunciation hearings and because each one was examined separately by a government hearing officer they had been more frightened than if they had been allowed to have someone present with them. Each said he did not have any legal advice from any person and that he was not represented by an attorney at his renunciation hearing and that he had not had any independent advice at that hearing or any chance to obtain such advice because of his internment, except the threats of the pressure group members that he would be harmed if he didn't renounce and that he must renounce to save his skin. Each said that all the renunciation hearings were extremely abrupt and short and that he and all renunciants were in fear of the examiners.

Each told me that he and all the internees were in great fear of the Hoshi Dan leaders until sometime in November, 1945, when a majority of those

leaders and hoodlums were repatriated to Japan and that when the last of them were scheduled to be removed about February 23, 1946, they would not have to be in fear of them any longer. I asked many of them if they knew of a single case where anyone had renounced voluntarily and they said, no, that would have been impossible because everyone was terrorized by the pressure groups and that the fear of them and what the government intended to do to them prevented anyone from doing otherwise.

I learned that when Mr. Burling of the Justice Department was in the Center he had written a letter to the Hoshi Dan and Seinen Dan leaders warning them to stop their propaganda and acts of intimidation against the internees but that the activities of those groups grew worse instead of better afterward and until all the renunciation examinations had been finished.

A number of the young boys and girls told me that their alien parents were so in fear of the pressure groups and dominated by them that they had urged their children to renounce and that some of them had urged their children to join the pressure groups for security reasons, that is, to save themselves and their children from harm. All those to whom I spoke about the renunciations stated that at the time the Hoshi Dan had spies everywhere in camp and that anything said against its leaders or movement would bring danger upon the informers and that many internees who had informed against them or who were suspected by them of having

informed against them had been beaten up in the camp and that all the internees had been too alive to the danger to do anything about it and because the W.R.A. which knew all along what had been going on did not protect them against the danger. A number of them told me that the Hoshi Dan leaders had threatened the whole camp and ordered the internees to speak Japanese and not to speak English and not to talk to Caucasians in the Center and that they and the whole camp believed that they would be harmed if they disobeyed those threats and that very few persons dared to speak to Caucasian employees in the Center for fear they would be deemed by the pressure groups to be informers and be injured as the result. All of them stated that troop violence against the internees, the shooting of Jimmy Okamoto, the police violence, the murder of Mr. Hitomi and the failure of the authorities to arrest the murderer who was loose in the camp, the arrest and incarceration of hundreds of innocent internees in the stockade, the assaults, beatings and threats made by gangsters and the failure of the W.R.A. to protect them against the pressure group terrorists all combined to fill the whole camp with fear and to convince them and make them fear the Government looked upon them as mere Japs and didn't care what became of them except that it wanted them to renounce before they were deported to Japan and that they believed the government hearing officers knew all about the terror that existed in the Center and didn't care to be told about it and that the only way they could gain

relief from this mistreatment was by obeying the orders of the Hoshi Dan leaders and renouncing and that, by so doing, they hoped to remain in the Center secure from outside hostility and from the hostility of the pressure groups until the war was over.

Miss Catherine Porter of 3234 Pacific Avenue, San Francisco, California, accompanied me to the Tule Lake Center and appeared at a number of hearings as an observer and friend of a number of the renunciants. Since then she has married and her name is now Mrs. Catherine Short. One evening while we were there she and I went for coffee to the Recreation Club which was situated in the Administration section of the Center and which was reserved for the exclusive use of Caucasians who were waited upon and served by internees who were specially licensed by the W.R.A. to work there at the low pay rates authorized by the W.R.A. We sat down at one of the tables and while seated there one of the uniformed members of the Caucasian internal security police force came over to our table and introduced himself. I do not recall his name. In the course of his conversation he said, "If there is anything I hate it is a Jap. All Japs should be taken out and shot." We looked at him and he said, "Oh! I see, I'm at the wrong table," and thereupon left. The gruff method, the harsh tones and the sarcastic statements made by a majority of the government examiners at the hearings in their questioning of renunciants clearly indicated that they, too, looked upon the internees as mere "Japs."

Many of the young men to whom I talked told me

that before their evacuation and also when they were placed in camp that they had volunteered for military service but that their services had been refused and that they had been classified 4-C and thereby were wrongfully branded as alien enemies by the Government. Many told me that when they had been forced to answer questionnaires by the Army and the W.R.A. while held in camp that they were afraid to answer Question No. 28 negatively or affirmatively because they feared whatever answer was given would have been considered by the Government to be an admission that up to that time they had an allegiance to Japan which was false and that they thought it was a trap the Government wished them to fall into so that it could hold them in detention and deport them. Many of them told me that the Hoshi Dan gangs had compelled them to attend coaching courses it gave to make them give stereotyped false answers to questions at their renunciation hearings to make sure their renunciations would be accepted and that, under that compulsion, they had done so and that they did not dare to disobey the orders of those gangs for fear disobedience would endanger their lives and the safety of their families in the Center; many told me that they had not dared to tell the examiners at the time of their renunciation hearings that they did not wish to renounce or to tell them that they were compelled to renounce because the gangs would learn about and punish them.

A number of parents of renunciants told me that

their children attended the W.R.A. sponsored Japanese language schools in the Center where they had been pressured into sending their children by the pressure groups leaders and because they had no choice of other schools. A number of the children told me that they had attended these schools because they, too, feared that their parents' safety and their own safety would have been involved if they had not done so. Many of the parents told me that the W.R.A. policy of establishing and maintaining those schools in the Center led them and all the internees to believe the Government wished the school children to be transformed from Americans into Japanese so that they would be prepared for their future life in Japan when the Government deported them and their parents to Japan.

While I was in the Center I talked to Mr. Lou Noyes, the W.R.A. Project Attorney, and to Dr. Marvin Opler, the W.R.A. Community Analyst. Both told me that the mass renunciations were the products of coercion by the pressure groups.

While I was in the Tule Lake Center I made many inquiries of internees to ascertain if any of them knew of a single case where anyone had renounced his or her American citizenship voluntarily but neither heard of nor learned of a single voluntary case of renunciation. All were involuntary and caused by their detention, mistreatment and the fear and terror in which they were held



by the Government and the pressure groups that were allowed to operate in that Center. While there I learned that the Government had accepted and approved the renunciations of a number of internees who were insane, of a number who were mental incompetents, and of a large number of boys and girls under twenty-one years of age. I also learned from first-hand knowledge while I was in that Center and while the renunciants were still held in internment by the Government that all of the renunciations had been accepted by the Government while the internees were laboring under and were terrorized by the mob rule that had raged in that camp.

/s/ ANN RAY.

Subscribed and sworn to before me this 4th day of December, 1946.

[Seal] /s/ ALFRED D. MARTIN,  
Notary Public in and for the City and County of  
San Francisco, State of California.

Service and receipt of copy of foregoing admitted  
December 11, 1946.

FRANK J. HENNESSY,  
U. S. Attorney,  
Attorney for Defendants.

[Title of District Court and Cause.]

OBJECTIONS AND EXCEPTIONS TO AFFIDAVITS OF MERIT FILED BY DEFENDANTS AND MOTION TO STRIKE THE SAME

On November 12, 1946, the defendants filed herein the affidavits of John L. Burling, Charles M. Rothstein, Ollie Collins, Joseph J. Shevlin, Lillian C. Scott and Thomas M. Cooley II, including Exhibit A attached to the latter, said affidavits purporting to be affidavits of merit in opposition to plaintiffs' Motion for Summary Judgment and plaintiffs' Motion for Judgment on the Pleadings filed herein on October 14, 1946, and plaintiffs' Motion to Strike filed herein on October 10, 1946, and also purporting to be affidavits in support of defendants' cross-motion for summary judgment; and on December 5, 1946, defendants filed herein in opposition to plaintiffs' said motions for summary judgment, for judgment on the pleadings and to strike and in support of defendants' cross motion for summary judgment the affidavit of Thomas M. Cooley II to which is attached Exhibits A, B and C and miscellaneous memoranda:

The plaintiffs and each of them hereby objects and excepts to the introduction in evidence herein of each phrase, clause, sentence and paragraph of each of defendants' said affidavits of merits, including the exhibits attached thereto, and to the whole of each of said affidavits and exhibits and

objects and excepts to any consideration whatever being given thereto by the court on the pending motions and moves to strike the same for each and all of the following reasons and upon each and all of the following grounds, to-wit:

(Specific Objections)

The same is and are:—

1. Opinions and conclusions of the affiant;
2. Hearsay;
3. A self-serving declaration;
4. Not part of the *res gestae*;
5. Not in issue herein;
6. Has no bearing on any issue herein;
7. Too remote to have any bearing on any issue herein;
8. Not the best evidence;
9. Is secondary evidence for the introduction of which no foundation has been laid;
10. Assumes something not in evidence;
11. Not binding on any petitioner herein;
12. Negative pregnant;
13. In conflict with admitted facts;
14. In conflict with facts of public notoriety of the truth of which the court has and takes judicial cognizance;
15. In conflict with the contents of pertinent public records; written instruments and official documents;
16. Attempts to alter or vary the terms of pertinent written instruments, public writing and official communications;

17. Not assertable by affiant who is estopped to assert the same because it is in conflict with facts admitted by the pleadings and with facts of public notoriety, and contrary to pertinent public writings and records and official communications and is an attempt to alter or vary the term of those writings, records and communications by parole evidence and such are not impeachable by affiant;

18. Not matter observed or heard by affiant and not matter within his personal knowledge;

19. Sham;

20. Evasive;

21. Conjectural;

22. Vague;

23. Indefinite;

24. Uncertain;

25. Ambiguous;

26. Irrelevant;

27. Redundant;

28. Immaterial;

29. Affiant is not qualified to testify as an expert witness on the matter therein contained or to offer an affidavit herein on said matter;

30. No foundation has been laid for affiant to testify as an expert witness on the matter contained in his affidavit;

(General Objection)

And that the same is incompetent, irrelevant and immaterial;

(Special Objections to Special Exhibits)

In addition thereto each plaintiff objects and

excepts to the introduction in evidence herein and moves to strike each and every word, phrase, clause, sentence, paragraph and page of Exhibit A attached to the affidavit of Thomas M. Cooley II filed herein on November 12, 1946, purporting to be a memorandum of the Japanese Nationality Law as translated by one, Kenzo Takayanagai, and Exhibit B attached thereto and purporting to be a translation of sections of the Nippon Horei Zensho and the Genko Horei Shuran and also each and every word, phrase, clause, sentence, paragraph and page of Exhibit A attached to the affidavit of Thomas M. Cooley II filed herein on December 5, 1946, and purporting to be the affidavit of one, Thomas L. Blakemore, and Exhibit B attached thereto and purporting to be a memorandum prepared by said Thomas L. Blakemore, and Exhibit C attached thereto and purporting to be a deposition of said Thomas L. Blakemore taken in a proceeding in the District Court of the United States for the Southern District of California, Northern Division, in a matter entitled "In the Matter of the Petition of Fumiko Tamura for a Writ of Habeas Corpus," No. 376-Civil therein, and miscellaneous photostat copies of a printed publication in the Japanese language attached thereto and Exhibit D attached thereto, and the whole of each of said affidavits and exhibits on each and all of the aforesaid reasons and grounds and upon the following additional and special grounds, to wit:—

The same is and are:

- a. Opinion and conclusion of such affiant;

- b. Hearsay of such affiant;
- c. Sham;
- d. Evasive;
- e. Conjectural;
- f. Vague;
- g. Indefinite;
- h. Uncertain;
- i. Ambiguous;
- j. Incompetent;
- k. Irrelevant;
- l. Immaterial;
- m. Self-serving;
- n. Unintelligible;
- o. No foundation has been laid for the introduction of the same into evidence;
- p. Said such affiant is not qualified as an expert either in ability or proficiency to translate from the Japanese language into English;
- q. Said such affiant is not qualified as an expert to testify as to the law or any law of Japan and in particular to the nationality laws of Japan, past or present;
- r. Said document and the declarations and purported translations from Japanese to English therein are self-serving;
- s. The Japanese law, including the Japanese nationality laws, are not in issue herein and have no application to any issue herein;
- t. The law of Japan has no extraterritorial effect and cannot in anywise affect any citizen of the

United States or any person residing within the United States;

u. The nationality law of Japan has no extraterritorial jurisdiction or effect over any citizen of the United States or resident of the United States;

v. The nationality law of Japan has no application whatever to any citizen of the United States or to any resident of the United States;

w. The said exhibits pertaining to purported laws of Japan are barred by the provisions of Title 8 USCA, sec. 800, and are inadmissible in evidence;

x. The said exhibits pertaining to purported laws of Japan are inconsistent with the grant of citizenship by the 14th Amendment and are contrary to the due process clause of the 5th Amendment and to the sovereignty of the United States and are barred from being introduced into evidence by reason thereof.

(General Objection)

And the same is and are incompetent, irrelevant and immaterial.

The above and foregoing special and general objections to the introduction of said affidavits and their contents in evidence on the pending motions herein and motions to strike the same are hereby submitted.

Respectfully submitted,

/s/ WAYNE M. COLLINS,

Attorney for Plaintiffs.

Receipt of a copy of the above Objections and Exceptions to Affidavits of Merit is hereby admitted

this 18th day of December, 1946, for submission to the court on the pending motions for judgment on the pleadings, for summary judgment and to strike and cross-motion for summary judgment.

TOM C. CLARK,  
Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendant.

[Endorsed]: Filed Dec. 18, 1946.

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#### AFFIDAVIT OF ROSALIE HANKEY

Chicago, Illinois,  
Cook County—ss.

Rosalie Hankey, being sworn, deposes and says as follows:

I am a graduate student of anthropology and am presently employed by the Department of Anthropology in the University of Chicago as Assistant in Anthropology. In July of 1943 I entered the employ of the Evacuation and Resettlement Study of the University of California at Berkeley, California. At this time I was 31 years old.

This Study was an organization especially set up by the University of California with funds donated by the Giannini and Rockefeller Foundations



to observe and record from the sociological standpoint the evacuation of persons of Japanese ancestry from the Pacific Coast ordered by Lieutenant General John L. DeWitt and the social phenomena which resulted therefrom. This Study was under the direction of Dr. Dorothy S. Thomas, a professor at the University of California. The Study employed a number of students of sociology and anthropology who acted as observers in the several assembly centers and relocation centers and also employed students of Japanese ancestry, who themselves were evacuated, to act as reporters. I was at first assigned by Dr. Thomas to the Gila Relocation Center and began my work there in July of 1943. The nature of my duties there included the recording of events and evacuee attitudes, and the preparation of reports describing and analysing the sociological phenomena. On February 1, 1944, after seven months of almost continuous residence at the Gila Center, I was directed by Dr. Thomas to visit the Tule Lake Center in Modoc, California, to make a preliminary survey of the attitudes of the segregated evacuees. Approximately three weeks before this visit, the jurisdiction of the Tule Lake Center had been returned to the War Relocation Authority by the Military. At this visit I remained at the Tule Lake Center for two days. I made two succeeding visits to the Tule Lake Center: from March 14 to March 23, 1944, and from April 12 to April 17, 1944. Between these visits I returned to the Gila Center. On May 13 of 1944 I

took up permanent study in the Tule Lake Center and remained there until May 9, 1945, except for three brief trips to consult with Dr. Thomas. Therefore, I observed substantially all of the sociological developments leading up to the renunciation of citizenship and was at the Tule Lake Center during most of the renunciations themselves.

During all of this time, by the techniques described below, I assembled very full field notes on the renunciation program and submitted these to the Evacuation and Resettlement Study. I also submitted voluminous reports on evacuee attitudes toward renunciation. The University of California has recently published the first volume of its studies, which volume relates specifically to those evacuees who renounced their citizenship. The book was put into final form by Dr. Dorothy S. Thomas and Richard Nishimoto, who was the Study's observer in the Colorado River Relocation Center. To the best of my knowledge and belief, insofar as it deals with events taking place at the Tule Lake Center after segregation, this book is based entirely on my field notes and the manuscripts which I submitted, except for certain information gained after the renunciation program had been completed from talks with evacuees who were there at the time and from letters written by evacuees after the renunciation program was complete.

For the above reasons and because of the techniques employed by me, hereinafter described, it is my belief that I am qualified to speak as an expert

on the social pressures obtaining within the Tule Lake Center prior to and during the renunciation program from December, 1944, through May, 1945.

I obtained information for my field notes in the following manner:

The accumulation of data on evacuee attitudes presented many difficulties to a person of Caucasian ancestry. The experiences of evacuation and the confining life of the Centers had intensified the pre-evacuation in-group solidarity of the Japanese residents. The WRA administration and its staff members, the visible representatives of authority, were commonly held responsible by the evacuees for the great variety of inconveniences, annoyances, and hardships of Center life. Therefore, the WRA staff, in general was regarded with considerable antipathy. The strong in-group sentiments of the Japanese and their dislike of the WRA administration were, in part, responsible for an additional phenomenon which increased the difficulties of sociological investigation. This was an extraordinarily powerful evacuee fear of being considered a stool-pigeon. This fear was coupled with a hatred of persons alleged to be stool-pigeons, i.e., traitors to their own people. Such persons were called *inu*, a Japanese word meaning dog or informer. Any evacuee who appeared to be on markedly friendly terms with a Caucasian staff member or was observed visiting the Administration buildings when he had no specific business there exposed himself to being called an *inu*.

The inu phenomenon was a potent means of social control in all of the Centers of which I have knowledge. In Tule Lake it played a very significant part in the sociological developments which preceded the renunciation of citizenship. It was largely responsible for the fact that terrorists and persons guilty of violent assault were not denounced to the authorities. To be stigmatized as an inu brought social ostracism which in the crowded and confined life of the Centers was painful in the extreme. All meals were served in public mess-halls. An alleged inu, seating himself at a table, was greeted with an uncomfortable silence and meaningful glances. If he entered a latrine or boiler room, which were common places for gossip and discussion, he found that friendly talk or argument stopped with his appearance. Because of the lack of privacy which Center conditions imposed, he could find no escape and was reminded of his despised position many times every day. During a period of tension, he might be assaulted and severely beaten. In the Tule Lake Center at least seven men alleged to be inu were beaten. In the same Center, Mr. Hitomi, alleged to be an inu, was murdered. If, therefore, an evacuee or a segregee held opinions contrary to those which were considered the prevailing sentiment, he was strongly inclined to keep these opinions to himself or to voice them only to trusted intimates. He was also inclined to avoid the appearance of intimacy with WRA staff members.

I was able to substantially overcome the handi-

caps to sociological investigation outlined above in the following manner. To my informants I stressed the fact that I was not a member of the WRA administration but a student, hired by scholars who were interested in preparing an accurate account of events within the Japanese Centers. I stated that I would not show my data to the WRA administration and would not reveal the names of my informants. These contentions were not believed until my informants had the opportunity to observe that I had little association with WRA staff members and that I did not attempt to pry into those matters which evacuees were reluctant to discuss with a Caucasian. In the Gila Relocation Center I began my field work by initiating a series of innocuous investigations, e.g., how Center life was affecting the children. This and similar projects gave me the opportunity to make frequent visits to the apartments of evacuees. After this program had been continued for several months, certain informants made overtures of friendship. They then began to give me an informal education on the genuine attitudes of the residents which often differed greatly from the stereotyped attitudes generally reserved for Caucasians. I gained intimate knowledge of those matters which a member of the in-group was morally obliged not to reveal to outsiders. When certain of these friendly informants began to give me a considerable amount of their time, I offered to pay them. This offer was refused. The situation which resulted put me under an

ethical obligation. I was obtaining information through friendship and I had no means of recompensing informants except by rigorously observing the taboos of the in-group, i.e., keeping my promise that I would reveal no information given to me. This process was cumulative and, in time, I was given information of an extraordinary nature. In Tule Lake a self-avowed ardently pro-Japanese group determined to circulate one of their petitions without asking permission of the WRA administration. They feared that they would be denied permission, since a few weeks before, the WRA had emphatically informed them that it did not intend to embark on the program they sponsored. One of the most influential leaders of the group sponsoring the petition, allowed me to read it several days before it was circulated and described the pressure his group intended to apply to residents who did not wish to sign. In Tule Lake evacuee informants also gave me the name of the man who was alleged to control a gang of terrorists. This gang, I was told, had committed a series of assaults upon the so-called inu (stool-pigeons). These informants did not give this information to the WRA administration or, so far as I know, to the police. Moreover, a Japanese informant who was severely beaten, assured me that the aforementioned gang of terrorists was responsible for the assault. Previously, he had refused to name his assailants to the WRA Internal Security. I did not reveal this, and much other information of similar character, to the au-

thorities. Because of this policy I was able to obtain data which, I believe, far exceeds in accuracy and reliability the information gained by most Caucasians who were in contact with the Japanese in the Centers.

I was, moreover, able to develop excellent rapport with certain leaders of the pro-Japanese pressure groups. The parent pressure group I shall call the Resegregation Group. It was also known at various times as the Saikakuri Seigan and the Sokuji Kikoku Hoshi-dan. Membership in this group was by families. To the best of my knowledge, adult aliens and citizens and also minor children were considered members. In August of 1944 this body sponsored an auxiliary body for young men. This auxiliary body I shall call the Young Men's Fatherland Group. It was also called at various times the Sokoku Kenkyu Seinen-dan and the Hokoku Seinen-dan. Most of the members of this auxiliary body were to the best of my knowledge citizens of the United States. From May of 1944 until his internment in December of 1944 I was a regular visitor at the apartment of the man who, in my opinion, was the most influential leader of the Resegregation Group. He was also one of the two advisors to the Young Men's Fatherland Group and was an Issei. From July of 1944 until his internment in December of 1944 I frequently visited the other advisor to the Young Men's Fatherland Group who was a Nisei about 45 years old. This man was also alleged to be the leader of a gang of terrorists

who assaulted persons who criticized either of the groups. I was also very well acquainted with and frequently visited four additional influential leaders of these groups. I was casually acquainted with others.

In this document it will be cumbersome to state specifically whether an informant was a member of one or the other group. The organizations were most intimately related and many or most of the members of the Young Men's Fatherland Group were members of the Resegregationist Group. On the other hand, older men, almost all of whom were Issei, advised the Young Men's Fatherland Group and, in my opinion, formed most of the policies of this youths' organization.

In addition I also developed good rapport with the chairman and other members of the body which was responsible for the much publicized demonstration of November 1, 1943. Many of these men later became very hostile to the aforementioned Resegregation Group.

In addition to the persons described above I consulted a large number of other informants, some of whom were hostile to the Resegregation Group, some of whom disapproved of the group, and some of whom attempted to remain neutral. Some of these informants were nominal members of the Resegregation Group and some were not. Among my informants were Issei, Nisei and Kibei. I was, in fact, the only Caucasian who, in substance, made daily visits to the apartments of the Japanese resi-



dents of Tule Lake Center. I was also one of the very few who regularly entered the Center on foot and without an escort.

Maintaining contact with my informants in the face of the prevailing evacuee fear of being thought an inu required much tact and patience. I carefully arranged my visits so that I would not be observed by neighbors. I paid many visits during inclement weather when most of the residents remained indoors. The frequent severe dust storms, the bitter winter winds, and the thaws which rendered parts of the Center nearly impassable to a person not wearing heavy boots, provided ample opportunity for such visits. During periods of extreme community tension and fear, such as that which followed the murder of Mr. Hitomi, I corresponded with informants. In fact, after this murder one of my informants warned me to stay out of the center because the alleged gang leader had boasted that he intended to kill a Caucasian, and I, who entered the remote parts of the Center without escort, was particularly vulnerable. In my opinion, the fact that Tule Lake was a large community and that, except for the Resegregation Group it was socially disorganized to the extent that residents were inclined to confine their social activities to the blocks in or near which they lived, gave me a distinct advantage. Informants, in general, had little opportunity to discover who my other contacts were. I revealed no names. If, therefore, I visited an ardent member of the Resegregation Group and ap-

peared to sympathize with his views, he had little opportunity to discover that when I visited an individual who was hostile to the group, I gave the contrary impression. This was particularly important in regard to my contacts with the Resegregation Group leaders. Had my ordinary informants realized that I was on good terms with these powerful individuals, I would have gained little reliable data on how ordinary folk viewed the activities of the Resegregationists.

The greater part of my field notes were taken down in approximately verbatim form. When the statements of evacuees appear in this document, they are reproduced, substantially without editing.

I intend to describe those sociological phenomena which I observed in the Tule Lake Center which bear on the renunciation of citizenship. Insofar as my data indicate, I shall state my opinions in regard to the motivations which led the citizen residents of Tule Lake to commit this act. Since I am of the opinion that the activities of the aforementioned Resegregation Group had an important bearing on the renunciation of citizenship, I shall present the history of the development of this group in considerable detail. This, in turn, will require a brief explanation of the sociological developments in the Tule Lake Center which preceded the formal organization of the Resegregation Group.

I was residing in the Gila Relocation Center when the policy of segregation was announced to the

evacuees in the summer of 1943. What data I obtained in the Gila Center in no way contradicts the discussion of segregation presented by Dr. Thomas and R. Nishimoto in *The Spoilage* (pp. 84-112) or the analysis presented by the WRA Community Analyst, Dr. Morris Opler, in *WRA Community Analysis, "Studies of Segregants at Manzanar."* These authorities in substance hold that the reasons evacuees decided to become segregants and thereby assume the status of individuals disloyal to the United States were: fear of being forced to leave the Centers and face a hostile American public; concern for the security of their families; fear on the part of evacuee parents that their sons would be drafted if they did not become segregees; anger and disillusionment owing to the abrogation of their citizenship rights; bitterness over economic losses brought about by the evacuation. I was also told by a Japanese informant that some Issei believed that Japan was going to win the war and that they would eventually reap benefits if they went to Tule Lake.

Most of the segregees entered the Tule Lake Center in September and October of 1943. They were at this time far from homogenous in status (loyal or disloyal) and in sentiment toward the United States. In the segregation movement children who held status as loyal citizens of the United States were allowed to accompany segregee parents. Parents who held status as aliens loyal to the United States were allowed to accompany segregee

children. Moreover, over 1,000 pre-segregation residents of Tule Lake ineligible for segregation refused to leave that Center and were allowed to remain there. Therefore, at one extreme of the population were individuals who, when I made their acquaintance in Tule Lake, voiced sentiments which were decidedly pro-Japanese. At the other extreme, in my opinion, was a significant proportion of the population which had no intention of going to Japan and felt no sentiments resembling loyalty to Japan whatever. Between these two extremes was the bulk of the population—the fence-sitters. Such persons, when I made their acquaintance, told me that they had come to or remained in Tule Lake to make up their minds. In my opinion, they did not look upon segregation as a final step committing them to inevitable expatriation or repatriation. Informants belonging to this group repeatedly made statements to me which may be paraphrased as follows “All I want is that they let me stay here in peace until the end of the war.” It is my opinion that these persons regarded Tule Lake as a refuge where they might remain in relative safety from the economic hardships and physical danger which they feared would be their lot if they attempted immediately to reestablish themselves in the United States.

It should be stressed that the groups described above were not static. Individuals and groups vacillated constantly as they were swayed by events, news, and rumors. A resented administrative policy

or a newspaper report of an assault upon Japanese residing outside of the Centers would, for a period of time, increase the number of evacuees who believed that the United States held no future for them. This vacillation was one of the more salient social phenomena of Center life. Many of the phenomena hereinafter described cannot be evaluated properly unless it is kept in mind. Prolonged insecurity and indecision may unbalance even individuals who possess great mental stability. In view of the fact that the substantial majority of the residents of Tule Lake had been in a state of indecision for almost four years, it is not surprising that they believed fantastic rumors, that they frequently did not think or act logically, that they were prone to take what appeared the immediate path to safety, and that they were predisposed to fall into mass anxiety which on several occasions rose to panic.

I did not visit the Tule Lake Center until February 1 of 1944. Consequently, I was not residing there when the events I shall outline briefly below took place. My statements are based on a great deal of data acquired after my arrival and on WRA documents.

It is my opinion that the demonstration of November 1, 1943 resulted substantially from a widespread evacuee sentiment that the living facilities in Tule Lake stood in great need of improvement. The listing of these alleged grievances would require many pages. On October 15, 1943, a truck

transporting Japanese workers to the project farm turned over. Some 30 men were injured, several severely. One died within a few days. The Japanese farm workers refused to return to work. The residents, under the guidance of leaders who had attained some prestige in the Relocation Centers from which they had come, selected a Representative Body. This body determined to use the farm work stoppage as a means of obtaining a mitigation of the grievances referred to above. I am of the opinion that at this time the Japanese Representative Body had strong support from the general residents.

On October 26, 1943, certain members of this Representative Body approached the Project Director, stating that the farmers were resolved to continue their work stoppage until the administration gave assurance that the complaints of the residents would receive attention. At this time, only the farmers had stopped work. The Project Director promised to do what he could to relieve the situation. However, without acquainting the Representative Body or the residents with his intention, the Project Director brought in non-segreguee Japanese from the Relocation Centers to harvest the crop. This action on the part of the Project Director deprived the residents of their only important bargaining point: the fact that the valuable potato crop would spoil with great loss if not harvested immediately. Moreover, it is my opinion that this action was viewed by the segreguees as a breach of

trust on the part of the Administration. I believe that it greatly increased segregee hostility against the WRA administration.

On November 1, 1943, Mr. Dillon Myer, National Director of the WRA, visited the Tule Lake Center. Seizing this opportunity to appeal directly to him, the leaders of the Representative Body engineered a mass demonstration during which a crowd of segregees, variously estimated at from 5,000 to 10,000 surrounded the administrative buildings. According to WRA documents the behavior of this crowd was most orderly. However, a group of young Japanese entered the hospital. They attacked and severely beat the Caucasian Chief Medical Officer, who, in my opinion, was extremely unpopular with the Japanese residents. It is my opinion that these assailants had no connection with the leaders of the Japanese Representative Body. When order had been restored, the leaders of the Representative Body again presented the list of the residents' grievances. Mr. Myer promised to investigate the complaints and take action if they were justified. He made such a statement to the crowd which then dispersed quietly.

On the night of November 4, 1943, a fight broke out between a group of young Japanese men and a few Caucasians. Later, a Japanese informant told me that he had been the leader of this group of Japanese. He stated that this group had taken it upon themselves to watch the project warehouses at night in order to prevent the WRA administra-

tion from transporting food to the harvesters from the Relocation Centers. It is my opinion that this informant in this regard was telling the truth. While this fight was taking place, the Project Director requested the assistance of the Military Police. The Military assumed control of the Center. On the night of November 4 the Military arrested 18 young men found in the administration area, released 9 of them and confined the remainder.

Many informants told me later that on the night of November 4 they were not aware of the fact that the Military had assumed control of the Center, and that they set out for work the next morning as usual. This statement is credible for the evacuee residence section was at a considerable distance from the administrative section. In any case, a large number of evacuees approached the administrative section on November 5 at the beginning of the working day. They were probably joined by the relatives of the Japanese hospital staff, which had not been allowed to return to the Japanese section by the Military. These persons were met by a cordon of soldiers and told to return to their barracks. When these orders were not obeyed, the soldiers released tear gas into the crowd. Ten months later, informants still spoke of this event with great bitterness, holding that it was not just to throw tear gas at them when they were attempting to go to work.

The construction of a "man-proof" fence, separating the administrative buildings from the Japa-



nese residence section was now begun. All Japanese work in the administrative section was temporarily suspended, since all residents were confined to the Japanese section. Within a few days the Japanese hospital staff and reduced garbage and coal crews resumed work as a result of a conference between the Military and members of the Japanese Representative Body. The Military, I was told, decided to cut the garbage and coal crews to one-third of their former size. This created difficulties for the Japanese Representative Body, which was caught between the stand of the Military and the attitude of the Japanese residents who did not understand why some persons were allowed to return to work while others were not. Both parties then agreed to hold a mass meeting at which the Lieutenant Colonel and members of the Japanese Representative Body would speak, each explaining the situation to the residents. When this matter was put before a session of the Representative Body a factional dispute arose, certain members holding that the Military was not allowing the Japanese sufficient time to speak. Despite strong opposition from the chairman of the Representative Body the anti-mass meeting faction swayed the body into voting not to attend the mass meeting. Messages to this effect were thereupon sent to each block and read in the mess-halls. The Military was not informed of this decision. At the appointed time, the Lieutenant Colonel and the regional director of the WRA entered the camp with a strong military escort and

took their places on the outdoor stage. No Japanese came to hear them. They delivered their speeches, nonetheless.

On the same day, November 13, the Military declared martial law to be in effect. The Military also began to arrest the leaders of the Representative Body, some of whom went into hiding but gave themselves up voluntarily on December 1, 1943. Other men, suspected of being leaders, were arrested. A stockade was built to house these detainees.

After the declaration of martial law and the arrest of these leaders the residents entered upon a partial strike. In substance, they refused to return to work until the apprehended men were released. Doctors, nurses, mess workers, block managers, and the coal and garbage crews continued to work. The Military continued to make arrests and by mid-December of 1943 over 200 persons were confined in the stockade.

For over two months the residents maintained their partial strike. However, as the weeks passed, the monotony of a life without employment or recreation, the strict curfew, and the hardships imposed by the loss of the monthly pay check and clothing allowance markedly decreased the enthusiasm of the early period of the strike. In mid-December of 1943 a new group of Japanese leaders arose and with strong assistance from the WRA administration attempted to influence the residents to abandon the partial strike. In mid-January of

1944 a ballot was arranged and the residents voted to stop the strike by a plurality of 473 out of 8,713 votes cast. The WRA resumed control of the Center, using the new group of leaders, the Coordinating Committee, as a liaison body between the administration and the residents. Jobs were quickly filled and evacuees were now allowed to enter the administrative area with a pass, submitted to the sentry at the gate.

Twenty days after the referendum vote had been cast I made my first visit to the Tule Lake Center. It is my opinion that at this time even conservative residents deeply resented the past policies of the WRA administration and that they disliked and distrusted the administrative sponsored Coordinating Committee. Many persons claimed that the members of the Coordinating Committee were not their elected representatives (as, indeed, they were not). Some informants called certain of the acts of the former Representative Body silly, foolish, and radical, but stoutly maintained that this body had been and still was the legitimate representative body of the people.

In March of 1944, during my second visit to Tule Lake, I became aware of the existence of an underground pressure group. This group spread propaganda and distributed pamphlets which were designed to discredit the Coordinating Committee. This group also agitated to obtain the release of the men detained in the stockade. Some of the members, to my certain knowledge, had relatives

who were detained and who were alleged to have been beaten by the WRA Internal Security on November 4, 1943. It is my opinion that during February and March of 1944 this underground group was not regarded with respect by most of the residents. My informants usually spoke of the group with derogation, calling the members agitators and radicals. In the spring of 1944 this underground group was considerably strengthened by the arrival of certain parolees from Santa Fe, the Department of Justice internment camp. Some of these parolees, I was informed, had contributed to anti-administrative disturbances in Relocation Centers before their internment and in my opinion they were agitators of experience and prestige. In addition the underground group established a connection with a man who, I was informed, was a powerful gang leader from the Manzanar Center. This man, I was told, had led a pre-evacuation gang on Terminal Island, California and was also credited with having instigated much of the violence which occurred in the Manzanar Center in December of 1942. I was personally acquainted with this alleged gang leader and in my opinion he was very clever. He was, in any case, never called to task for these alleged activities by the authorities.

It is my opinion that these experienced agitators took control of the up to this time rather inept underground group which continued to circulate propaganda against the Coordinating Committee and against the WRA administration. I believe and

have data which indicate that they spread rumors to the effect that the members of the Coordinating Committee were inu (stool-pigeons), that they were not "true Japanese," and that they had betrayed the people to the WRA administration. They added to the constant stream of rumors that the members and supporters of the Coordinating Committee were being paid large sums of money by the WRA administration and that they were making large profits in graft at the expense of the residents and with the connivance of the administration. The officers of the Center's Cooperative Enterprise, who had substantially supported the Coordinating Committee's political coup were particularly singled out as inu and grafters par excellence.

The Coordinating Committee countered with propaganda to the effect that the activities of the underground group were "un-Japanese" and that "true Japanese" were persons who behaved in an orderly manner and did not bring hardship and misery upon their fellow residents.

The propaganda of the underground group was by far the more effective. Many of the residents were disgruntled and bored. Probably one-third of the employable residents were not given work, since the Center was so crowded that jobs were not available. The residents, in short, were predisposed to repeat, and to some extent believe, almost any rumor about the inu. Many, however, continued to voice disapproval of the underground agitators.

In April of 1944 the underground group emerged

and adopted the name Saikakuri Seigan (literal translation is "Appeal for Resegregation"). This body will hereafter be called the Resegregation Group. The leaders sent a letter signed by an unimportant member of the organization to Attorney General Biddle, requesting permission to circulate a petition for the signatures of those residents who desired early return to Japan and who, meanwhile, wished to be separated, in Tule Lake, from those not so inclined. This letter was channeled to the WRA administration at Tule Lake and permission was given to circulate the petition providing "that the survey will be made without commitment on the part of the administration." I made my third visit to the Tule Lake Center several days after this petition was presented to the people and found the residents in great confusion. Rumors had spread that those persons who did not sign the petition would not be allowed to expatriate or repatriate. The WRA administration had issued a statement that it had no intention of carrying out a resegregation and that no petition had been authorized. Almost all of my informants expressed disapproval of the petition. They stated that they saw no point in separating the residents of Tule Lake on the narrow basis of whether they were willing to return to Japan on the next exchange boat. By refusing to sign the petition, however, they exposed themselves to the epithet of "fence-sitter." Almost every informant stated forcefully that the fence-sitters ought to get out of Tule Lake

but no one admitted that he might be a fence-sitter. The Resegregation Group obtained some 6,500 signatures of citizens and aliens, a figure which includes the dependents and minor children of the signers. In absentia signatures were also accepted. The relatives of men confined in the stockade signed for them. Persons who had signed the petition were thereafter considered members of the Resegregation Group. Many signers were citizens of the United States, although the leadership clique, the policy makers, was almost entirely composed of aliens.

The wife of a leader of the Resegregation Group made the following statement to me in an interview which took place on April 13, 1944. "We're going to stick to Japan. We cannot raise our children overnight to become Japanese subjects." I asked her how the Resegregation Group proposed to distinguish between those residents who sincerely desired to return to Japan and those who did not. She said, "Those guys who won't say 'Yes' to the petition are the guys who are going to stay here (in the United States)." I then asked her what was to be the fate of the thousands of people who had not signed. She replied, "Those other people—they didn't stick up for us in the crisis. It's not our business to worry about them."

In addition to stirring up a great deal of excitement and confusion, the petition put the harassed Coordinating Committee out of existence. The members of this body resigned, telling me that they

bitterly resented the fact that the WRA administration, without consulting them, had recognized their political opponents to the extent of allowing the circulation of the petition. From this period (late April, 1944) until the end of my stay in the Center (May, 1945) the Japanese residents of Tule Lake had no formal representative body which might present community problems to the WRA administration. The WRA made an attempt to sponsor such a body. The Resegregation Group vigorously opposed this attempt. Many informants held that a person who accepted a position on this proposed representative body would be called an inu.

The leaders of the Resegregation Group, in my opinion, now turned their energies to activities calculated to keep the Center in a state of turmoil. They told me frequently that thereby that would prove to the WRA authorities in Washington that trouble would not stop until a resegregation took place. The leaders continued to spread propaganda against the now ex-members of the Coordinating Committee and other so-called inu, who were usually individuals who counselled a modicum of cooperation with the administration and/or criticized the policies of the Resegregation Group. For instance, a leader of the Resegregation Group told me that Mr. Hitomi, the general manager of the Co-Operative Enterprise, had attempted to bribe the alleged gang leader and Resegregationist with a large sum of money to influence the recently arrived segregees from the Manzanar Center to join the Tule Lake



Co-Op. This and similar stories were widely circulated. In this regard it is significant that much later the Project Attorney, Mr. Noyes, told me that an officer of the Co-op had made an affidavit to the WRA Internal Security that this alleged gang leader repeatedly threatened the officers of the Co-op. This affidavit was submitted just prior to the relocation of the affiant.

A series of assaults added to the mounting tension. Certain men, some of whom, in my opinion, had openly criticized the activities of the Resegregation Group were attacked at night and severely beaten. Mr. Hitomi's brother was beaten and is said to have suffered a fractured skull. The wife of a leader of the Resegregation Group bitterly criticized before me a certain man who was openly protesting against the Japanese drills in which children were urged to participate. Shortly thereafter, this man was beaten. Several of the beatings, I was told by informants, were engineered by the alleged gang leader. Each beating was followed by rumors that the victim had been an inu (stool-pigeon). None of the assailants were apprehended by the police. On the morning of July 3, 1944, Mr. Hitomi, the General Manager of the Co-op and an alleged inu, who had been the object of particularly vicious gossip, some of which, in my opinion, was spread by leaders of the Resegregation Group was found before the apartment of a relative with his throat cut. I was told that the remaining members of the Co-op's Board of Directors received an anonymous

communication to the effect that they would be next. The Japanese members of this board resigned in a body. About 15 of the most notorious inu, including the evacuee chief of police, fled from the Japanese section with their families and were given temporary quarters on the administrative side of the fence. Shortly thereafter, the Japanese members of the Internal Security resigned. (Later, after considerable difficulty, wardens were recruited with the understanding that they were expected only to keep order in their own blocks.) The residents of the Center were so frightened that I was unable to pay visits for several weeks. Several informants requested that I never call on them again.

The WRA Internal Security attempted to apprehend these assailants. They could accomplish little, however, against the tremendous fear of being stigmatized as an inu.

From this point forward many of my informants began emphatically to express dissatisfaction over the lawlessness and, as some termed it, the gangsterism and hoodlumism which prevailed in the Center. Repeatedly, they voiced the desire that they might get some peace and order. No one, however, dared to state that someone ought to inform to the administration. The following statements are typical:

July 24, 1944: an Issei:

“In this camp no really able man will show his face because so many narrow minded fanatics are in camp. . . . Even your safety cannot be guaran-

teed. . . . These agitators think that by making trouble here they are doing good for Japan. That's extremely wrong."

On July 19, a Kibei girl, a teacher in one of the Japanese language schools, made the following statement:

"My students are asking me, 'Sensei (teacher),' they say, 'What would you think if I got leave clearance and got out of here?' . . . They say: 'Gee whiz, what's going to happen to us?'"

On July 13, 1944 the project newspaper, the *Newell Star*, published a statement explaining that the Congress of the United States had passed a law which provided that a citizen of the United States might make a formal written renunciation of nationality. No informant commented upon this statement in the month that followed.

On August 12, however, the Resegregation Group leaders organized a young men's group ostensibly devoted to the study of Japanese history and culture (the *Sokoku Kenkyu Seinen-dan*, hereafter called the Young Men's Fatherland Group). Among the formal aims of this young men's group, which, to my knowledge, were not at this time publicized among the general residents was the following statement:

"Since the outbreak of war between Japan and America, citizens of Japanese ancestry have moved along two separate paths: (1) for the defense of their civil rights on legal principles, and (2) for the renunciation of their citizenship on moral principles."

Two prominent leaders of the Resegregation Group were the advisors to the Young Men's Fatherland Group, but this fact was at first carefully concealed from the WRA administration and, so far as I was able to determine, from the general residents. In fact, to the best of my knowledge and belief, until September 24, 1944, the connection of this group with the Resegregation Group was very carefully concealed from both the Administration and the residents. The first meeting of this organization was held in the high school auditorium with the permission of the WRA. Some of my informants stated that they believed the contention that this organization had no political aims and joined it. In my opinion, they were telling the truth, for in November of 1944, they attempted to withdraw. A few expressed suspicion of the leaders. Within a few weeks, the organization claimed some 600 members, most of whom were citizens.

This organization obtained office space from the WRA. Frequent meetings were scheduled for its members. As the weeks passed, the speeches delivered at these meetings took on an increasingly Japanese nationalistic tone. Outdoor exercises which took place before dawn were made compulsory for members. Gradually these exercises became more militaristic. Week by week additional militaristic features were added. Bugles were purchased. By late November of 1944 members were wearing uniforms consisting of a sweat shirt bearing the emblem of the rising sun even when they

entered the administrative area. They were also required to shave their heads in imitation of Japanese soldiers.

On October 30, the Issei advisor to this organization explained its aims to me:

“If we were training in open daylight, it will not impress the people much. . . . But by getting up early in the morning, by exercise and training after worshipping and praying for victory and eternal life for our soldiers, these young people can be deeply impressed.”

On August 30, the WRA administration called certain of the leaders of the Resegregation Group into conference and gave them a letter written by Mr. Dillon Myer which was dated July 7. This letter denied any administrative intention of a resegregation. The leaders of the Resegregation Group did not announce this administrative denial to the members of their group. Instead, without the knowledge of the administration, they mimeographed Mr. Myer's letter and distributed it widely, mistranslating the last paragraph as follows:

“However, I am sure that all problems in the Tule Lake segregation center that need attention and improvement will be studied and remedied in consultation with the representatives of the Resegregation Group. . . . Needless to say, I am sure Director Best will be glad to discuss frankly with you the question of resegregation about which your representatives have communicated.”

It is my opinion that by mid-August of 1944, the

leaders of the Resegregation Group, whose plans for a resegregation were not going very well, were giving the political potentialities of the renunciation of citizenship much thought. These leaders frequently brought the topic up in conversation with me. The following statements are typical.

On August 28, the wife of a leader stated:

“We figure that something will have to be done (by the Administration) in September. That’s when the denunciation (not mis-spelling) will come through. If we stay here as we are another trouble (uprising) is going to come up. . . . We’ve been tolerant enough about the school (American school) here.”

On September 7, the Issei adviser to the Young Men’s Fatherland Group speaking of the proposed renunciation, stated to me:

“We don’t know how far this will go. But certainly those who wish for immediate repatriation to Japan and at the same time don’t wish to be inducted into service or relocate wish to renounce their citizenship.”

Despite the fact that the leaders of the Resegregation Group had on August 30 been told by the WRA administration that there was to be no resegregation, they, on September 24, 1944, brought forth another resegregation petition. This petition was accompanied by an explanatory pamphlet in Japanese with an English translation appended. A part of this pamphlet stated:

“Whereas, we realize the uselessness of our

American Citizenship, and so as soon as and in the event a law of renunciation for citizenship becomes effective, we gladly renounce our citizenships. Therefore, we make clearly our positions by being a real Japanese. Furthermore, we be classified clearly as an enemy alien and thereby be treated in accordance with the Geneva Conventions.”

I called on one of the most influential leaders of the Resegregation Group, on September 21, three days before the petition was circulated. He showed me the pamphlet and made the following statement, which I recorded verbatim:

“You know the people behind this have been working underground for a long time. Anyone who would have come out openly would have been put in the stockade. We have been working on this since April, awaiting the moment, but we had to keep it secret. Now the time has come.

“If the Administration recognizes this movement, we will have a good mutual understanding. Besides, Mr. Myer sent us a letter and recognized this movement.

“Those who refuse to sign this will have people asking them, ‘Are you loyal to Japan or not? If you are not loyal to Japan, why don’t you go out?’ The people will have to realize this—as long as their appearance is Japanese they will have to sign this. If they don’t sign they will be known as not loyal to Japan and will be told in public, ‘You are not Japanese. Why don’t you go out?’

“Of course, many people who don’t want to go

back to Japan will sign this, but then they will go in a corner and keep quiet.”

On September 27, the WRA administration issued a statement that the petition was unauthorized. My data indicate that the Resegregationist leaders continued their efforts to get signatures. On September 30 a married couple, both influential leaders of the Resegregation Group, exhibited anger over the denial of authorization. The husband asked me, rhetorically, “How can you get authority for a petition like this?” He added that the next time his group “put out something” they were going to take the paper to the block manager beforehand “and he better not say anything.” His wife then told me that the Resegregation Group had received a letter from Mr. Ennis of the Department of Justice, advising them to hold on, that everything was going smoothly and that they would be notified when the renunciation of citizenship forms were ready. Concerning the plans of the Resegregationists, she remarked: “We are going ahead even if the people squawk.”

As soon as the petition began to be circulated I attempted to determine how it was being received by the residents. No informant who was not an enthusiastic member of the Resegregation Group spoke in favor of it. I am emphatically of the opinion that the substantial majority of the residents disapproved of the petition and resented the social pressure applied by its circulators. I shall not list all of the derogatory statements made; those that follow will suffice.



On September 26 an Issei informant stated that he disapproved of the petition. He added: "I asked one man, 'Why did you sign the paper?' He said, 'So-and-so said so-and-so and I signed it.' 'They (persons who behave in this manner) don't have any judgment."

On September 28 an older Nisei informant stated:

"One point I really oppose—they threaten to use force. . . . Many people are wondering whether they should sign or not. They're afraid. Many are being led into it.

"Another thing, I've heard that (the nominal leader of the Young Men's Fatherland Group) stated that they had a number of killers (in his group). Why does he say that?"

On October 2 a male Kibei informant who lived in a block where many members of the Resegregation Group also resided, stated:

"I say, 'Leave me alone and I'll leave you alone!' If I feel like it, I'll sign. I haven't signed yet.

"I'm Japanese no matter what they say. Even if we sign or don't sign it won't do any harm."

On October 12, the same informant stated:

"I don't like the way the Sokoku Konkyu (Young Men's Fatherland Group) threatens people. They say, 'If you don't sign you're going to be drafted.' So a lot of dumb people signed. . . .

"But I think those who signed were wise. I'm too stubborn to sign and that makes me enemies. It's better to be like the proverb: Nagai mono niwa

makerero; okii mono niwa momareyo—let the long snake wind around you; let the big snake swallow you.

“If I were Project Director I would segregate them. I’d give each person a pink paper and a white paper and an envelope. Then those who want to be segregated could sign the pink paper and those who didn’t could sign the white one. Then they could mail it to the WRA and nobody see it. Then I’d like to see how many would sign!”

At this time I was surprised at the almost unanimous disapproval which informants who were not leaders of the Resegregation Group voiced concerning the petition. I was not surprised that they disapproved but that they expressed their sentiments so frankly, for I am of the opinion that the leaders of the Resegregation Group were feared. I also suspected that some of the persons who spoke derogatorily of the petition before me were signing it nonetheless, for it was painful to be told in public: “You are not Japanese.” Moreover, a rumor was widespread in the Center that the Department of Justice was going to take over the Tule Lake Center soon and that when this occurred those persons who had not signed the petition would be forced to leave. Besides, the WRA administration had denied the petition authorization. As several informants stated: “To sign it won’t do any harm.” It is, therefore, my considered opinion that at this period (September and October 1944) a very substantial proportion of the residents disapproved of

the activities of the Resegregation Group, and that they were irked by the demand that they commit themselves to an early return to Japan. Many, however, signed the petition to be on the safe side whatever transpired. Without doubt, however, there were a number of individuals who signed the petition through the desire for an early return to Japan.

In my subsequent visits to the leaders of the Resegregation Group, I was impressed by the fact that though they boasted of the number of signatures they were getting (10,000) they were not pleased by the reception the petition was getting from the people. Moreover, it is my opinion that certain residents were beginning to take steps toward an organized resistance. One of my informants, an elderly Issei, told me that he advised persons who consulted him not to sign the petition. He also told me that he had made a speech before a group of Nisei telling them that nothing would be gained by making trouble and that agitation only brought suffering upon the women and children in camp.

“I said that this camp is no place for young men to make trouble. They should study. I said, ‘Young men, behave yourselves.’”

During an interview which took place on October 10, 1944, this informant denounced the Resegregationists leaders to me, stating that they were misleading the youth of the Center. He stated: “I say the Japanese government is not so narrow minded as you.”

I was concerned for the safety of this informant who, in my opinion, was showing unusual courage in speaking publicly against the Resegregation Group. I warned him that one had to be careful what one said in camp, for there were dangerous men about. He laughed and called the Resegregationist leaders cowards. Five days later, while he was returning from an evening meeting of his church in the company of two elderly Issei friends, he and his friends were attacked by a group of assailants and beaten severely. When he recovered, he told me:

“The three of us were coming home from a religious meeting at block 52. I heard noisy footsteps. One of my friends was at my side, the other was 15 feet ahead. The first man who was attacked yelled. I turned around and saw that big stick. I can still see the club like a frozen picture, but I didn't see anything after that.”

This informant also voiced the opinion that his speech before the Nisei had been reported to the Resegregationist headquarters and told me that the attack upon him had been instigated by one of the advisors of the Young Men's Fatherland Group, the alleged gang leader. He added that the attack had been led by an Issei who was known to be the so-called gang leader's right hand man. I was given this information after making a promise of strict confidence. My informant feared that if he testified against his assailants, the gang would attack his children.

At this time the rumor that another man named Tambara had been threatened spread widely through the Center. The wife of the Issei advisor to the Young Men's Fatherland Group told me: "They wrote him, 'Would you like to be another Hitomi?'" (Hitomi was the man murdered on July 3, 1944.)

On October 21 the alleged gang leader addressed the members of the Young Men's Fatherland Group. At this meeting several informants told me that he incited the young men to violence and promised to take care of them if they got into trouble. Several informants stated with disapproval that he had quoted a Japanese proverb, which like many proverbs, is flexible in interpretation. It may, however, be translated to mean: "To help the cause, we must kill those who stand in its way." Most informants translated it: "The little guys must die so that the big guys may live." They left no doubt in my mind, however, that they believed that the so-called gang leader was threatening persons who opposed the policies of the Resegregation Group with violence.

I called on this alleged gang leader several times during this period and we had lengthy conversations. During my visits his outer office (he was a block manager) was occupied by several muscular young men. While conversing with him I was obliged to sit so that I faced a large Japanese flag. On October 23 he told me that during a recent altercation he had had with the Project Director a

group of "70 or 80 boys" had surrounded the block manager's headquarters and "demonstrated their offensive spirit."

On October 30 the aforementioned right hand man of the alleged gang leader knifed a young Nisei. I was told by several informants that the father of the victim had been a Resegregationist, had "found out how rotten they were" and had publicly criticized the alleged gang leader. The Project Attorney, Mr. Noyes, told me that the victim gave less and less incriminating evidence every time he testified in the hearings held by the WRA Internal Security. The Issei advisor to the Young Men's Fatherland Group accompanied the defendant to his hearings and his trial before the Modoc County authorities and vouched for him. The defendant was given a sentence of 90 days. Later, informants reported that the alleged gang leader and the Issei advisor were boasting that this light sentence was evidence that they could protect their own.

During this period one of my most reliable informants, a Nisei and a veteran of World War I, told me that he had been repeatedly threatened with physical violence because he openly criticized the Resegregation Group and the alleged gang leader. I was on excellent terms with this informant and interviewed him frequently for over a year. In all of this time, he, to the best of my knowledge, never misinformed me deliberately. I believe, therefore, that from mid-October until the end of No-

ember 1944, this informant lived in expectation of a violent physical assault from the Resegregationists. He showed me a black-jack which he carried whenever he left his apartment at night. After the beating of my Issei informant and the knifing, this informant stated that he thought matters had gone far enough. He thereupon sent a written denunciation of the alleged gang leader out of the Center to several Japanese friends, with the instruction that if he were beaten or killed or if he gave the word, this denunciation was to be given to the Federal Bureau of Investigation. He then informed the alleged gang leader of this action and stated that if another beating occurred, he would denounce him. No more beatings occurred that came to my attention. Moreover, shortly thereafter, the alleged gang leader resigned his position as advisor to the Young Men's Fatherland Group, a fact which I checked with leaders of the Resegregation Group.

I affirm that to the best of my knowledge and belief many residents of the Tule Lake Center and I myself, believed that one of the advisors to the Young Men's Fatherland Group led a gang which assaulted persons who criticized the policies of the Young Men's Fatherland Group and the Resegregation Group. I also affirm that many residents believed that persons who opposed the Resegregation Group were in immediate danger of physical violence from this gang.

On November 3, 1944, the Resegregation Group and the Young Men's Fatherland Group vigor-

ously sponsored a pretentious ceremony to celebrate the birthday of the emperor Meiji. Non-members were forbidden to attend this ceremony. I was invited to attend this ceremony as a guest and did so, deeming it an opportunity to gain some idea of the numerical strength of the supporters of the group. Since the participants stood motionless for over an hour, I had an excellent opportunity to count them. Approximately 600 members of the Young Men's Fatherland Group were present and approximately 1,800 additional adults and children. This is significant, for the birthday of the emperor Meiji was considered an important holiday and any member of the Resegregation Group who did not attend this ceremony could not, in my opinion, have been an enthusiastic member. Moreover, if he did not attend he stood in danger of serious reproof from fellow members.

It is my considered opinion that until December of 1944 the substantial majority of citizens residing in the Tule Lake Center were not markedly interested in the renunciation of citizenship and did not welcome the opportunity to renounce. On August 14, 1944, the first Japanese who was not intimately connected with the leadership clique of the Resegregation Group introduced the subject of the renunciation into conversation with me. Between that date and December 5, when Mr. John L. Burling of the Department of Justice arrived at the Tule Lake Center, I had 95 interviews with informants (excluding all interviews with leaders of the Resegre-



gation Group). To my certain knowledge some of these informants were nominal members of the Resegregation Group. Others were not. Some 80% of my informants were citizens. Approximately 60 of these interviews were very extensive, lasting several hours or an entire afternoon. All of the interviews were informal, for it was my policy to allow the informant to direct the greater part of the conversation. Almost invariably, when informants were concerned over a matter, they introduced the subject into our conversations.

In the many pages of verbatim data I collected between August 14, 1944 and December 5, 1944, the renunciation of citizenship was mentioned six times by informants who were not leaders of the Resegregation Group. Only one informant stated that he intended to renounce. This man, an extremely reliable informant who was hostile to the Resegregation Group stated that he intended to renounce because he had committed himself to return to Japan and would not break his word. On September 4, he stated:

“If there are people who will renounce their citizenship merely to escape the draft it would be a good thing if the (American) government sent them first to Japan—then they’ll get drafted there.

“When it comes to a final showdown, I think most of the Nisei will turn it down (will not renounce) . . . Roughly 60% of the people in camp are citizens. I think if 50% (of the citizens) renounce their citizenship, they’ll be doing good. It may be less.”

On September 26, the Issei informant who was later assaulted, stated:

“My common sense opinion is this: from the Japanese part, the right of American citizenship is already denied. So it is not necessary for them to make formal declaration of denouncing it.”

It is my opinion that at this period (August 1944 through November 1944) the attitude of the leaders of the Resegregation Group regarding the proposed renunciation of citizenship was in marked contrast to that of the residents who were not members of this group and to many residents who were nominal members of this group. I believe that the leaders of the Resegregation Group during the months of October and November 1944 expected that the jurisdiction of the Tule Lake Center was soon to be taken over by the Department of Justice. I believe that they anticipated that an especially early and enthusiastic eagerness to renounce citizenship would cause the members of their group to be recognized by the Department of Justice as individuals particularly worthy of remaining in Tule Lake (under the Department of Justice) while the “fence-sitters” whom they stigmatized as “not loyal to Japan” would be forced to leave the Center. In fact, they repeatedly attempted to give me the impression that they were in almost constant correspondence with the Department of Justice and I am certain that they also gave members and residents this impression.

On October 5, 1944, an enthusiastic member of the Young Men's Fatherland Group and the Resegrega-

tion Group told me that during a conference with Mr. Best, the Project Director, the Director had told him that it was almost a certainty that the Tule Lake Center was going under the Department of Justice within 60 days. On October 6, the Project Attorney, Mr. Campbell, told me that the WRA administration was seriously considering making an announcement to the Japanese residents that the Tule Lake Center was to be transferred to the jurisdiction of the Department of Justice. On October 9, the wife of a leader of the Resegregation Group told me that the petition of September 24 had 10,000 signatures and added:

“We are not going to take any more (signatures) because soon we’ll be under the Justice Department.”

On October 10 Mr. Dillon Myer addressed the WRA staff at Tule Lake and stated according to my notes which are not verbatim that “he didn’t know to whom the Tule Lake Center was going to be turned over.”

On October 16 the young Resegregationist who stated that he had had a conference with Mr. Best, told me:

“If the Justice Department does not take over it would put me in a tough spot because I made a report to the Resegregation Committee that they (Justice Department) would take over in 60 days. Mr. Best (the Project Director) definitely told me that this would take place within a week after the (presidential) election . . . When I made this report

to the Resegregation Committee, they were very happy over it."

On October 16, an informant who disliked the leaders of the Resegregation Group, and, in my opinion, was repeatedly threatened by them, stated:

"The Resegregation Group are bragging throughout the camp that it is because of them that the camp is going under Justice. I said to one, 'If your influence is so great as that, you could do much more for the Japanese in other ways.'"

On October 23, the alleged gang leader and advisor to the Young Men's Fatherland Group told me:

"The people are anxiously awaiting for the denouncement of it (citizenship). When Mr. Best made the statement that within 60 days the camp would be under Justice (Department) the people were delighted. We more or less expect it."

I am informed that in the latter part of October 1944 the Department of Justice began to receive petitions for permission to renounce citizenship bearing the signatures of many persons and also received requests for renunciation which were typewritten forms imitating the official forms. Such forms, I am told, were not accepted.

On December 12, the young Resegregationist who told me that he had conferred with the Project Director and been told that the Center was soon to go under the Department of Justice told me:

"Mr. Best (the Project Director) double-crossed me again. Mr. Best told me definitely that type-

written copies (of renunciation forms) would be sufficient and for me to send in the typewritten copies. I was on the spot (before the Resegregationists) because I reported this.”

On December 9, a young Kibei who resided in a block where the Resegregationist Group was very strong, told me:

“The Sokoku bunch (Young Men’s Fatherland Group) want to go (to Japan) earlier than any of the rest.”

Her husband added:

“The Sokoku bunch typed their forms on the typewriter so that they could be the first ones. I told our neighbors that their forms wouldn’t be any good.”

I am strongly of the opinion that the leaders of the Resegregation Group were substantially if not entirely responsible for the aforementioned petitions and improper forms and that they hoped by an early renunciation on the part of their citizen members to achieve their long sought goal—resegregation. I have no information on the manner in which the proposition to renounce en masse was put before the members. It is probable, however, that the suggestion was placed before the young men at a meeting or meetings. Whether this is so or not, it is my opinion that members of the Young Men’s Fatherland Group who, at this time, refused to apply for renunciation of citizenship or spoke against the suggestion stood in danger of physical violence from members of their own group and

knew that they stood in such danger. I have no explicit data that such threats were made.

Mr. Burling arrived at the Tule Lake Center on December 5, 1944. I was told that he had come to initiate the hearings for renunciation of citizenship. Several of my informants apparently believed that the fact that Mr. Burling was calling the leaders of the Resegregation Group and the Young Men's Fatherland Group to see him indicated that these leaders might be apprehended and punished.

On December 14 an Issei informant told me:

"I've heard that 18 of the Resegregationists have been called in. The people first thought they were arrested by the FBI. All of them (the people) are pleased, excepting those who are members, of course. They (non-members) want them to be taken away."

He added:

"The members of the Sokoku (Young Men's Fatherland Group) are narrow minded. Many of them were sorry after they signed and found out what was inside. But if they change their signatures, they're scared. So they can't cancel their signatures, not even if at the same time they didn't want to be one of them."

(In my opinion, this informant was referring to cancellation of membership, not cancellation of renunciation of citizenship applications.)

On December 15 a Nisei informant told me:

"I heard that their (Resegregation Group) leaders were being pulled in. But we don't discuss those things openly. It isn't healthy."

I visited a number of the leaders of the Resegregation Group and the Young Men's Fatherland Group at this time and observed that some of them appeared frightened by the tone of their hearings with Mr. Burling. The chairman of the Young Men's Fatherland Group asked me why the first question Mr. Burling asked at the hearings was, "Are you a member of the Sokoku." He expressed the opinion that renunciants should only be questioned on their desire for renunciation of citizenship. Another member of the Young Men's Fatherland Group who was present stated: "We haven't been influencing anybody to take out renunciation papers, even though the administration says we have."

From December 8, 1944, until December 17, the date on which the residents heard that the Western Defense Command was about to withdraw the public proclamation and orders of 1943 which had ordered the exclusion of persons of Japanese ancestry from the West Coast, no informant who was not an ardent Resegregationist, stated that he intended to renounce his citizenship. On December 11 a Nisei girl asked me if she would have to renounce her citizenship in order to go back to Japan. She stated that she was not going to apply, but added that "there was a big rumor in camp" that those who did not renounce would not be allowed to go to Japan.

On the same day the chairman of the November 1943 Representative Body, who did not renounce his citizenship, stated:

“I’m not going to renounce mine. If a man doesn’t have Japanese citizenship and if he renounces it, he’ll be without a country . . . I wouldn’t want to fool this country or evade any obligation to this country by saying that I wanted to go back to Japan and then stay here.”

On December 15, a Nisei girl stated:

“They say it’s so hard for you to renounce your citizenship because they want to see that you’re not avoiding the draft. There’s a rumor going around camp that those who do not renounce citizenship are going to be drafted . . .

“I hear a person say yesterday—a Nisei—‘You know, I denounced my citizenship and I hated to go to the hearing.’ ‘Why?’ I asked. He said: ‘I have to say awful things about America or they won’t give me my renunciation and I don’t want to do that.’ ”

I have now described the sociological phenomena in the Tule Lake Center relevant to the renunciation of citizenship up to the announcement of the lifting of the exclusion orders. My data indicate that up to this time the residents of the Tule Lake Center who were not enthusiastic members of the Resegregation Group or the Young Men’s Fatherland Group exhibited no marked desire to renounce their citizenship. It is my opinion that they did not welcome the opportunity to renounce and that a substantial majority of the residents, at this time, had not yet made up their minds whether to return to Japan or not. Yet on December 26, 1944, some 2,000 applica-



tions for renunciation were received by the Department of Justice. In January, 1945, 3,400 additional applications were received. My data indicate and it is my opinion that the announcement of the lifting of the exclusion orders and the policy followed by the WRA administration and the Department of Justice from the middle of December 1944 through January 1945 produced a state of mind among the citizen and alien residents of the Tule Lake Center which was substantially responsible for the majority of applications for renunciation. The paramount reason for renunciation was, in substance, the fear that those persons who did not renounce their citizenship would be forced to relocate.

This phenomenon may be difficult for a person who has not been a segregee to understand. Certainly, an outsider after reading this document would be inclined to conclude that a logical person or even one possessing ordinary common sense ought to have welcomed the opportunity to get out of Tule Lake. Emphatically, it is my opinion that this was not so. The segregees had been stigmatized as "disloyal to America" and as "rioters." They feared that if they took up residence outside the Center they would meet grave economic hardship and discrimination; they feared physical violence from Caucasians if they relocated; they feared that their sons would be drafted; parents feared that if they allowed their Nisei children to relocate they would lose touch with them and that they, the parents, might be obliged to return to Japan alone.

The total effect of these fears produced a phenomenon which amounted to far more than the sum of its parts. The residents of Tule Lake had been confined in various Centers for almost four years. It is my opinion that they were predisposed to fall into mass anxiety and mass hysteria, conditions which are not accompanied by logical or well considered action. If the facts and suggestions presented above are kept in mind, the events to be related will be easier to understand.

On December 17, 1944 the residents learned of the proposed lifting of the orders excluding Japanese from the West Coast. On December 19 the project newspaper, the *Newell Star*, announced "that the new system will permit the great majority of persons of Japanese ancestry to move freely anywhere in the U. S. that they wish to go." It added that "after January 20 all restrictions will be lifted except in the cases of individuals who will be specifically and individually notified." On the same day a mimeographed announcement by Dillon Myer was distributed among the Japanese residents to the effect that "all relocation centers will be closed within a period of six months to one year after the revocation of the exclusion orders." The same day, Mr. Best, the Project Director of Tule Lake, announced to the Japanese residents that "the Tule Lake Center will be considered a relocation center and a segregation center for some time to come. Those whom the Army authorities designate as free to leave here will be in the same status

as residents of a relocation center." The Army Team of some 20 officers began to hold hearings on December 18 or 19. Only male residents were called to these hearings.

Residents whom I visited in the week following the announcement appeared shocked and surprized. Some expressed anxiety. No one, however, stated that he would take advantage of this order and relocate. Instead, a number of rationalizations were voiced, to the effect that they, as segregees, would be allowed to remain at Tule Lake. When, however, the male residents were called for their Army hearings, most of them were not given detention orders. Within a few days it became apparent that segregee status was no guarantee that they might remain in Tule Lake.

On December 24 a Nisei girl told me that she was worried by the results of some of the Army hearings to which young men of her acquaintance had gone. In spite of their pro-Japanese statements, they had not been given detention orders. On the same day a Nisei boy told me that he had just returned from his Army hearing. He stated that the soldier had asked him if he wanted to renounce his citizenship. "So I said I was going to renounce, because I figured that then I could stay in Tule Lake." He assured me that another young man of his acquaintance had stated that he told the soldier he was loyal to Japan and had applied for expatriation but still he was handed a permit to leave camp, pro-

viding he did not go to certain exclusion areas. The sister of this informant then asked me: "They (WRA) won't force us out, will they? What can we do after everything we had is sold? . . . Our family might be able to get along if we had a lot of boys, but still that won't do any good because they'll have to go into the Army."

On December 19 a Kibei told me:

"Four men in my block were called by the Army. They asked them questions like, 'Do you want to go out or do you want to renounce your citizenship?'"

Realizing the effect that such questions put by Army hearing officers would have on the Japanese residents, I made several attempts to determine whether these assertions on the part of my informants were true. Mr. Noyes, the WRA Project Attorney told me:

"Best (the Project Director) talked to Army officers about the renunciation and resettlement questions (put by Army officers). When Best inquired about the significance of asking if the evacuee had applied for renunciation of citizenship they answered that it was instructions from the Presidio. And they said that they asked about resettlement just to be human."

On December 23, an ardent Resegregationist spoke scornfully of the fear of people who did not desire to leave Tule Lake:

"The fence-sitters say they are going to grab on with their hands (to keep from being forced to

relocate). They say, 'Let the others go first . . . Then when everything's safe, we'll go.' "

On December 29 a Nisei girl stated:

"Are they going to kick us out? What good will that do, when we don't want to get out? . . . We hope that by renouncing citizenship we will be allowed to stay here, but we are not sure. WRA should inform us of this."

I do not affirm that the Army hearing officers asked residents of Tule Lake whether they were going to renounce their citizenship or whether they were going to relocate. I do affirm, that to the best of my knowledge and belief, many residents believed that such questions were asked. I also affirm that this belief, coupled with the statements were asked. I also affirm that this belief, coupled with the statements issued by the WRA administration was in large part responsible for the fact that on December 26, 1944, some 2,000 applications for renunciation of citizenship were received by the Department of Justice.

On December 27 the officers of the Resegregation Group and the Young Men's Fatherland Group were removed from Tule Lake to the Department of Justice Internment camp at Santa Fe. It is my opinion that the relatives of the interned men and other Resegregationists interpreted or chose to interpret this internment as the first step in their long awaited project of a resegregation. Informants stated that relatives of internees were boasting of the "safe" status of the internees and predicting

that within 50 days they would be re-united. The internees would be returned to Tule Lake while persons who were not members of the Resegregation Group would be "kicked out." A rumor, which had probably existed before, became widespread. It held that individuals who had not renounced their citizenship by January 20 would be "kicked out of camp" or would be drafted.

On January 2 a Kibei informant told me:

"They (Resegregationists) keep saying that anybody sent to Santa Fe is taking a step forward to becoming a real Japanese. If this propaganda takes effect it will cause great trouble . . . I think the Hoshi-dan (Resegregation Group) undoubtedly has started the rumor that by renouncing citizenship the people will be allowed to stay here at Tule Lake."

On January 3 a Nisei informant stated:

"The people picked up say they're glad. They say we (persons not interned) are going to be kicked around while they will be safe and sound."

On January 19 an informant told me of a rumor which he said had been current for several weeks:

"They say all those persons who have not renounced their citizenship will be kicked out of camp . . . Some people are also being told to answer in a radical way so that their citizenship will be taken away."

Meanwhile, expressions of anxiety and fear increased in number and in force. Many residents complained that they had been given no specific information by the WRA as to who was going to be allowed to stay in Tule Lake.

On January 2 a Nisei informant stated:

“We wouldn’t mind going back to San Francisco if we had everything as when we left it. We’d jump right out. But we’ve lost everything.”

On January 3 another Nisei informant stated:

“I don’t know what’s going to happen to us! It’s very confusing. I think everybody feels that. They don’t know what’s what yet. In the first place why do they want to kick us out? It’s their fault we came here. They can’t say, ‘We’ll give you 25 dollars and coach fare. Get out by such and such a day.’

“Since the people have been in camp three years, their funds are exhausted. It’s all right for people who can afford it.”

This informant then added:

“Can people be thrown out even if they renounce their citizenship?”

On January 5 the WRA officials reiterated their intention of getting all evacuees who were “cleared” out of all the Centers. An official pamphlet was distributed throughout the Center in which Mr. Myer reaffirmed his earlier statement that the prime objective of the WRA was “to restore the people residing in relocation centers to private life in normal communities.” It is my opinion that this statement did not reassure the residents of Tule Lake.

On January 5 an Issei informant stated:

“They (the Japanese) have nothing to depend on . . . I don’t know one person who wants to go out.”

On the same day a Nisei stated:

“My intention is to stay here until I’m forced out.”

On January 8 another Nisei informant stated:

“The people are very much at a loss due to the fact that they can’t make a decision. The WRA officials admit they’re in the dark themselves. They don’t know what to do or what it’s all about.

“I’ve got six children and my wife. Also my father and mother. To go outside you have to have a certain kind of home. If they want me to go out the least they can do is to give me some kind of housing and say, ‘Now, will you take this?’ Instead, they are saying, ‘America’s going to help you. So you go out and do what you can.’ That’s not dependable. We want some assurance if we’re to go out. By staying here, I’ll have a roof over my children’s heads and enough to eat, although I don’t like the food.

“When the Army came out to ask us to make this decision I told the Colonel, ‘If you set a deadline, I will renounce my citizenship due to the fact that I have no place to go.’ ”

On January 9 another Nisei informant stated:

“Under the international agreement, they can’t kick the aliens out of camp. That’s the reason that so many people are renouncing their citizenship.”

Meanwhile, a number of informants who, in my opinion, were influenced by newspaper reports describing the statements made by certain residents of California, told me of rumors which were being



circulated in the Center.

On January 13, a Nisei stated:

“California is the last place I’d want to go back to with all I’ve been reading. They say the Army will back us up. But that’s only against mob violence and not against what an individual might do. If some person beats us up, we can’t do anything about it.”

On January 12, another Nisei stated:

“People are saying that some Japanese were killed around Stockton (California). Reading the papers and considering all other facts, the people have a feeling of not wanting to return to the Pacific Coast.”

On January 14, another Nisei stated:

“What do they want us to do? Go back to California and get filled full of lead? I’m going to sit here and watch.”

On January 15, another Nisei stated:

“Rumor is being circulated that five Japanese were killed in Fresno (California).”

Such rumors and the sentiments which they engendered endured for many months. On May 8, 1945, a Nisei informant stated:

“Yeah, you’re free all right if you go out. You’ve got civil rights. Civil rights to be dynamited! Civil rights to have your head cut off! They’re even trying to take poor Doi’s land away from him now.”

This informant’s sister, who was present, tried to calm him, and explained to me: “If they had made an example of those soldiers (who attempted

to dynamite Doi's residence in California) it would have helped."

On January 24 Mr. Burling released a letter written on behalf of the Attorney General condemning the activities of the Resegregation Group, stating that they "are intolerable" and that they "will cease." One informant criticized the letter as "sarcastic." One Nisei, who had some legal training but, to the best of my knowledge, had no connection with the Resegregation Group or the Young Men's Fatherland Group, remarked:

"The Department of Justice is not sincere. They are hounding people with a childish mentality and making them act like kids. . . . They've got you behind the eight ball once you renounce.

"The way these hearings were conducted it seems as if Burling had the final say of whether to accept a renunciation or not. The law states that it is the Attorney General who had the final say. As I see it, it's a frameup. I'd hate to live in this country if Burling was Attorney General."

Other informants, however, appeared to be distinctly pleased at the verbal castigation the Resegregation Groups had received:

On January 27, an informant stated:

"Confidentially speaking . . . I think he's got brains in his head. Many of the people think he did the right thing. . . . The Department of Justice really meant business. The people were kind of happy."

On January 31, another informant stated:

“It sure disgraced many of them (Resegregationists). If they had shame enough, they wouldn't have the face to come out with. We all agreed that that ought to have put a stop to it. But it seems it didn't.”

On February 8, another informant stated:

“It was time somebody told them off! . . . After all, this is American soil.”

On the same day, another informant stated:

“The people thought, ‘That's telling them!’ ”

The Resegregation Group and the Young Men's Fatherland Group, however, continued their activities. They also continued to spread propoganda to the effect that internment was a badge of honor, that internment made one a “true Japanese,” and that their group was shortly to be placed “safely” in a Center under the Department of Justice, while all other residents of Tule Lake would be forced to relocate.

On January 29, 1945, a statement by Mr. Dillon Myer was released in the project newspaper that “those who do not wish to leave the (Tule Lake) Center are not required to do so and may continue to live here or at some similar center until January 1, 1946.” My data indicate that this statement did not reassure the residents. Instead, it is my considered opinion that the six weeks of tension, fear, and extreme insecurity brought about in part by the residents' interpretations of Administrative policies and the Army hearings and, in part, by the internments and the rumors circulated after the

internments had, by the end of January 1945, brought the residents to a state bordering on panic. The phenomena of mass hysteria are to so great an extent marked by lack of logic that they are difficult to describe in a document of this nature. I shall offer the following statements made by informants between January 26, 1945, the date of the second internment, until the end of February 1945. On the basis of my intensive study of the situation, I affirm that to the best of my knowledge and belief, these are not the statements of a few atypical individuals but that they are a rather mild representation of the state of mind of the substantial majority of the residents. I also affirm that to the best of my knowledge and belief in these specific statements my informants were telling me the truth, except when they state that the members of the Young Men's Fatherland Group were glad to be interned. Here, a closer approach to the truth would be, "They say they are glad to be interned."

On January 29, a Nisei girl told me:

"The Hokoku group (Young Men's Fatherland Group) were all glad to get sent to Santa Fe. They have this one feeling that now their status is sure about the draft."

On January 30, an Issei informant told me:

"Most people are glad those radicals were picked up . . . but the radicals are still stubborn so we better keep quiet. If I should say what I think in public they (Resegregationists) would say, 'Beat him up!'"

On February 1 a Kibei informant told me that the Young Men's Fatherland Group was going about the camp asking for signatures which would indicate that members were still loyal to the organization. He said, "Those who refuse to sign they call 'dog.'" He added that a friend of his who had been scheduled for internment and then released feared physical violence from members of the Resegregation Group because he had not gone to Santa Fe. "Mr. Doi came to stay here (at the informant's apartment) at first, but I told him to go back to block 59. That's what a man has to do."

The Kibei's wife added:

"Gee, I hope the day will come when we can go to the laundry and wash our clothes and not have the Hokoku people glaring at us."

On February 8, a Nisei woman stated:

"When the so-and-so Hokoku go (to internment) we can't go and say, 'We're sorry your son was taken away.' You have to congratulate them!

"I heard some of them (Resegregationists) complimenting a family whose son was sent. They say they are true Japanese. The man said, 'Next trip it will be my son.' They (Resegregationists) are just tickled pink.

"A week ago my husband met a friend who had a bozu hair cut (shaved head). He said, 'What, are you bozu, too?' 'Sh-h-h,' the friend said, 'This is camouflage. Otherwise nobody in my block will talk to me.' . . . I hear that in block 74 there are two girls who refused to become members of the

(Resegregationists) girl's organization. All the other girls won't speak to them now."

On February 13, a Kibei informant stated:

"In the minds of the people of the Center has been the general impression that by going to Santa Fe they'll be recognized as aliens and they feel that their renunciation of citizenship is granted. Whereas if you are a gentleman enough to be peaceful and quiet, renunciation will not materialize."

On February 16, a Kibei girl told me:

"Many of the parents are trying to make their sons join the Hokoku (Young Men's Fatherland Group). This is especially in the Manzanar section. One boy has a duck cut and wears zoot suit clothes. His parents are trying to make him join the Hokoku. He says, 'Golly, I can't do that. How would I look in Santa Fe?'"

On February 28, a Nisei girl stated:

"I know some poor kids, their parents made them shave their heads. . . . But they still roll up their jeans to show their Argyle socks (Argyle socks were, evidently, the height of style for adolescent Nisei). A lot of kids say that when they're 18 they'll have to join the Hokoku due to their parents' pressure and the draft."

On February 28, my most reliable informant, a very blunt man, stated:

"Many Issei and families are forcing their sons to join the Hokoku-dan merely to escape the draft. I told them, when they get back to Japan they will use some means to keep their sons out of the Japa-

nese Army. They were surprised to hear me say that.”

In my opinion anxiety and panic reached a peak in mid-February, immediately after the internment of February 11, when most of the members of the Young Men's Fatherland Group were removed from the Center. I was assured by several informants that the remaining Resegregationists on February 12 had held a great rally in the Manzanar section. At this rally, it was reported, the people had been told that all citizens who were not members of the Young Men's Fatherland Group (which, of course, implied renunciation of citizenship) would be drafted by March 1. (At this time most renunciants who were not members of the Young Men's Fatherland Group had not yet received official notices that their renunciations were accepted by the Attorney General.) I cannot affirm that such a meeting was held or that such statements were made. On February 13, however, I received a letter from a Kibei (dated February 12), part of which follows:

“The condition in the center has been most unsettled because of recent mass pick-ups (internments). The current rumor which in my opinion is the most vicious has it that unless people (young men, of course) sign up with the organization, they will be subject to draft by March of this year. There seems to be a great increase in the membership of said body. The people are under the impression that if you are a member, then your chance of renunciation is guaranteed whereas, if you are not, just just

don't know when you will be able to renounce your citizenship. . . . The result if left unabated, will not only be tragic but dreadful. I don't know what you are able to do, but for justice's sake please take some action."

On February 13 I consulted my most reliable informant, an older Nisei, and asked him about these rumors. He stated:

"Those rumors are being heard about the camp. It has a tremendous effect. People are joining the Hokoku. It's going over like wildfire.

"The people are in a quandary and don't know what to do. They just follow the mob. I told people who came to me to ask for advice, 'You are like a bunch of sheep.'

"I gave those parents hell for being so jittering and not having a mind of their own. Renunciation is the only idea. Parents want their sons and daughters to renounce so they can go to Japan with them. It's fantastic in a way. . . .

"The trouble with most of the Japanese in this camp or in any other camp is that their mind is not made up. They swing from one side to the other. They will fluctuate."

On February 19, a Nisei girl stated:

"A week ago the people were in hysterics. . . . They were so excited. They said, 'The draft papers are right there . . . they'll draft us all over camp.'"

On February 13, a well educated and intelligent informant remarked:

"Sociologically speaking, I wonder if the people



have not been tortured in their minds for so long—all they can think of is what's happening right in front of their eyes and they aren't looking forward to the future at all. None of them think of the fact that the war might end and then what position would they be in?"

When March 1 passed and no residents were drafted the acute excitement slowly abated. It was not until March 16, however, that the WRA announced to the residents that those activities in which Resegregationists had taken part, e.g., parades, drilling, bugling, were unlawful and prohibited.

I received relatively little information from informants on how the renunciation hearings were conducted. Several informants commented on the short time the hearings took; two mentioned that they had been treated courteously. One informant stated that an acquaintance who had had a hearing regretted that he felt obliged to make derogatory statements about the United States in order to make sure that he would be granted renunciation. No informant stated or implied that any kind of duress was exerted at the hearings by the hearing officers of the Department of Justice. It is, however, my opinion and belief, that a great many citizens made false statements at their hearings, regarding their loyalty to Japan and to the Japanese emperor.

Much has been said in this document about persons who renounced their citizenship and almost nothing about those who did not. Undoubtedly, the

substantial majority of persons who did not renounce their citizenship did so because their ties to the United States were so strong that they were able to resist the extraordinary sociological and psychological pressures which were brought to bear upon them. It is of interest, however, that, in my opinion, the most courageous and open adherents of non-renunciation were a group of young men who were alleged to be gamblers. These young men on two occasions openly defied the Young Men's Fatherland Group, which had publicly stigmatized them as "gamblers" and "sake-drinkers."

On December 15, 1944 a group of about a dozen of these alleged gamblers entered the block where the Young Men's Fatherland Group had its headquarters. One of the young men challenged the male secretary of the Resegregation Group and the two men fought with a mop and a piece of wood, while the other so-called gamblers stood about and held off a crowd of angry Resegregationists. The non-Resegregationist was victorious and after the fight he addressed the crowd, denouncing the Resegregationists as "ruining the young men in the Center." The leaders of the Resegregation Group, in my presence, voiced threats of extreme physical violence against this group of alleged gamblers but did not carry out the threats, since the issue was subordinated by the excitement which followed the internment of December 27, 1944.

I was well acquainted with a number of these alleged gamblers and, as far as I know, they did not

renounce their citizenship. Their open defiance of the Resegregation Group was, in my opinion, intimately related to the fact that even though they were greatly outnumbered, they were, by the late fall of 1944, the only group in the Center which possessed the organization and man-power to risk physical combat with the Young Men's Fatherland Group. In regard to the fact that they did not renounce their citizenship, it is my opinion that they were hard-headed realists. On February 5, 1945, when many of my other informants were in a state of extreme anxiety fearing that their applications for renunciation would not be accepted, I had a long interview with members of this alleged gambling clique. They discussed the renunciation with comparative calm. One stated:

“After all, as I see it, my American citizenship isn't anymore good to me than a roll of toilet paper right now. In fact, it's less good. But I was born with it and I'm not going to give it up. It might come in handy later.”

#### Summary of the Motivations Which Led to Renunciation of Citizenship

As a student of anthropology and sociology I view the phenomena relevant to the renunciation of citizenship as a cumulative process which may be traced back to the evacuation. In the spring of 1942 citizens of the United States were removed from their homes and confined in relatively unpleasant surroundings under Military guard. Over a thou-

sand Nisei who later renounced their citizenship were between the ages of 14 and 18 years of age when they were evacuated. In the fall of 1943 over 6,000 citizens were segregated to the Tule Lake Center and stigmatized as disloyal to the United States. Certain of the factors which motivated these persons to become segragees have been stated on pp. 7-8 of this document. There were, however, a substantial number of citizens who were taken to or remained in Tule Lake who, at the time of segregation and after segregation, held status as loyal citizens of the United States. To affirm that residence in the Tule Lake Center did not contribute to the development of confidence in the United States, to a sense of security in regard to the intentions of the United States, or to a realization of the rights and responsibilities of American citizenship, is, in my opinion, a distinct understatement. From the early months of 1944, the Resegregation Group, whose leaders affirmed a fanatic loyalty to Japan, was permitted to propagandize the residents of the Center. In August of 1944 this organization made a deliberate attempt to draw American citizens residing in the Center into an auxiliary organization, the Young Men's Fatherland Group, which among its other aims listed the renunciation of American Citizenship. Numerous speeches of an extreme Japanese nationalistic character were delivered to the young men. They were urged to participate in militaristic exercises. In addition, the Resegregation Group had within its body a group of terrorists

who repeatedly assaulted residents who criticized their policies and activities. Only one of these assailants, to my knowledge, was apprehended and punished. Furthermore, up until December of 1944 no authority at any time substantially attempted to discourage the Resegregation Group. Not until January of 1945 was the group formally reprovved by the Department of Justice and not until March of 1945 did the WRA announce that the activities of this group were illegal and prohibited.

In addition to the influences described above, the residents of Tule Lake for almost four years had been subjected to the demoralizing effect of life in the Centers. They had suffered endless annoyances and irritations, which were all the more grievous because they were thought to be unjustified. They had been stigmatized by the press as rioters. Certain grave brutalities were said to have been committed upon Japanese young men by the WRA Internal Security on the night of November 4, 1943. (I have not included these specific data in this document, though I have statements from young men who said they were beaten and statements from a doctor and a nurses aide who attended them.) The residents, for a long period, had almost no opportunity for recreation and many who desired work could not be given employment. They had almost no contact with any friendly American of Caucasian ancestry. Their country, they thought, had cast them off and considered them "disloyal." In short, for almost four years, their experiences had been of

a nature calculated to make them lose faith in America and blight their conception of the value of American citizenship.

Despite these experiences, I affirm, that to the best of my knowledge and belief, the very substantial majority of the citizen residents of Tule Lake in November of 1944 did not welcome the opportunity to renounce their citizenship. I affirm that to the best of my knowledge and belief they were markedly un-enthusiastic. I affirm that the very substantial majority of residents in Tule Lake had resisted the frenzied efforts of the pro-Japanese groups to force them to participate in pro-Japanese activities. I affirm that some individuals, who, in my opinion, possessed great moral and physical courage, spoke against these pro-Japanese activities and were brutally assaulted. I affirm that some rash youths still dared to wear their hair in a duck cut and that many young people still passionately desired to relocate when they could obtain the permission of their parents. With a full realization of the gravity of my statement, I, who knew these residents better than any other non-Japanese, affirm that to the best of my knowledge and belief, the substantial majority of citizen residents of Tule Lake, despite their detention and despite the extraordinary pressures to which they had been subjected, were capable of re-assuming the duties and responsibilities of American citizenship.

It is for the reason stated above, that the events which followed the lifting of the exclusion order,

are, in my opinion, peculiarly tragic. I have, I believe, made it clear that the residents of Tule Lake, owing to the statements made by the WRA, their interpretation of questions asked at the Army hearings, the internments, the rumors which followed the internments, and the irrational state of mind which accompanies long detention and isolation, tension, and insecurity, were thrown into a state of panic. Most of them may be compared to a crowd of persons who believe that they are about to be bombed, rush to shelters, and find there officials whose statements they interpret as "Renounce your citizenship or you cannot enter." Fear of grave economic hardship, fear of physical violence from hostile citizens of Caucasian ancestry, fear of family separation, the fear that non-renunciants would be drafted, to which were added tremendous parental and familial pressures based on these fears were the major motivations of renunciation. During the months of March, April, and May of 1945, the families of internees continued to boast of their impending "safety" and to taunt non-members and persons who had not renounced their citizenship with the imminence of involuntary relocation.

At the time of this panic I was convinced—and I so stated to the hearing officers of the Department of Justice—that the great majority of residents were not renouncing their citizenship out of loyalty to Japan. I was also convinced that very many of the residents did not appreciate the gravity of their act and later would attempt to get their citizenship

back. Many residents assured me, I believe in all sincerity, that renunciation was like the Military Questionnaire and the Segregation, i.e., they could change their minds. Some assured me that their hearings before the hearing officers of the Department of Justice were brief and therefore they were sure that later on they would be given a longer and more thorough hearing. This was, in short, not the first time that they had been given a hearing which they were assured was very grave and which, later on, had signified little. Indeed, at the time of segregation they were assured by the WRA that they would be allowed to remain in the Center until the end of the war.

In my opinion, the threat of immediate physical violence from Japanese residents was a relatively minor motivation toward renunciation of citizenship. I was told frequently that the leaders of the Young Men's Fatherland Group had forced people to renounce their citizenship. I have no evidence, however, that the force referred to implied physical violence. It is my opinion that members of the Young Men's Fatherland Group who refused to renounce their citizenship stood in danger of physical violence and were aware of this. Certain individuals who lived in blocks where many Resegregationists also resided may well have been threatened with violence if they did not renounce even though they were not members of the Resegregation Group. During my residence in the Center, I collected no specific data that such threats were made.



During my residence in the Center no Japanese resident stated or implied that the hearing officers of the Department of Justice or any member of the WRA administrative staff employed duress at the renunciation hearings to influence residents of Tule Lake to renounce their citizenship.

/s/ ROSALIE HANKEY.

Subscribed and sworn to before me this 8th day of January, 1947.

[Seal] /s/ EDWARD T. DUFFY,  
Notary Public.

My commission expires Oct. 9, 1948.

Receipt of copy of foregoing Affidavit admitted Jan. 23, 1947.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiff.

[Endorsed]: Filed Jan. 23, 1947.

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[Title of District Court and Cause.]

OBJECTION AND EXCEPTIONS TO EVIDENCE,  
MOTION TO STRIKE SAME,  
AND MOTION TO SUPPRESS EVIDENCE  
ILLEGALLY OBTAINED

I.

The plaintiffs, and each of them, hereby object and except to the introduction in evidence herein of the affidavit of Thomas M. Cooley, II, dated Jan. 9, 1947, and annexed to the supplemental brief of defendants filed herein on Jan. 27, 1947, and to the

affidavit of Rosalie Hankey dated Jan. 8, 1947, and filed herein on Jan. 23, 1947, to each and every part thereof, and object and except to any consideration and weight whatever being thereto by the court on the pending motions of plaintiffs for summary judgment, for judgment on the pleadings and to strike, and move to strike the same for each and all of the following reasons and upon each and all of the following grounds, to-wit:

The same does not constitute the best evidence but is secondary evidence for which no foundation whatever has been laid; the same constitutes self-serving declarations; the same is composed of opinions and conclusions of the affiant and is hearsay; the same is vague, indefinite and uncertain; the same has no bearing on any issue herein; the same is an attempt to alter or vary the terms of written instruments by parole evidence; the same is in conflict with admitted facts and with facts which the defendants are estopped to deny and with facts of which the court takes judicial cognizance; the same relates to matters neither seen nor heard by nor within the personal knowledge of affiant; the same has no bearing upon any material issue involved herein; the same is not binding upon the plaintiffs or any of them; the same is sham; the same is vague, indefinite, uncertain and ambiguous; and the same is incompetent, irrelevant and immaterial;

## II.

And plaintiffs and each of them object, except to and move to strike the affidavit of Thomas M. Cooley, II, dated January 6, 1947, filed herein on Jan. 9, 1947, and copy thereof annexed to the supplemental brief for defendants containing a letter signed by O. P. Echols with an attached letter signed by J. M. Ebbitt, for each and all of the reasons and upon each and all of the grounds specified in paragraph No. I hereinabove and also upon the further ground that no opportunity, privilege or right of subjecting said J. M. Ebbitt, the signer of said attached letter dated 25 November 1946 addressed to the Adjutant General, to cross-examination on the matter therein contained exists or can be had by virtue of the fact that he is outside the jurisdiction of this court and country and is in Japan, to-wit conquered territory now under the dominion and control of the Allied Powers and General Douglas MacArthur and, therefore, cannot be subpoenaed or produced by plaintiffs for cross-examination on his qualifications as an expert in the Japanese language or as an expert on Japanese law or the purported statements of law contained therein; and upon the further grounds that the law of Japan has no extraterritorial effect and cannot affect any citizen of the United States or any resident of the United States; that said affidavit and its contents are barred by the provisions of Title 8 USCA, sec. 800, and are inconsistent with the grant of citizenship by the 14th Amendment and hence inadmissible in evidence.

## III.

## (Motion To Suppress)

And plaintiffs and each of them move the court to suppress and to strike the affidavit of Thomas M. Cooley, II, mentioned in paragraph I hereinabove upon the additional ground that the same purports to be a summary of purported statements made by certain plaintiffs and other persons which said statements were exacted and obtained from them illegally and unlawfully through the instrumentality of duress, coercion, undue influence and fraud exerted upon them and the duress in which they, at the time thereof, were held by the defendants and agents of the government and sundry pressure groups of persons operating in the concentration camps where they were falsely and illegally imprisoned by the government and its agents, all in violation of the provisions against illegal search and seizure guaranteed by the 4th Amendment, the due process clause of the 5th Amendment and the provision of the 5th Amendment against compelling any plaintiff to be a witness against himself.

Attention is directed to the fact that at the time said purported statements are purported to have been made each plaintiff was a citizen of the United States who had been falsely arrested and then and there was illegally held in a concentration camp, subject to the duress complained of in the amended complaint herein, for an unspecified crime without any charge or charges having been filed

against him and without any hearing having been accorded him as provided for by the 6th Amendment and the due process clause of the 5th and said statements so exacted from plaintiffs were not voluntary but were coerced and the said statements were and are false and inadmissible by reason thereof.

The above and foregoing objections and exceptions to the introduction of said affidavits and their contents in evidence on the pending motions herein and motion to strike and to suppress are herewith submitted.

Respectfully submitted,

/s/ WAYNE M. COLLINS,

Attorney for Plaintiffs.

Receipt of a copy of the above Objections and Exceptions To Evidence, Motion To Strike and To Suppress is hereby admitted this 29th day of January, 1947, for submission to the court on the pending motions for judgment on the pleadings, for summary judgment and to strike.

TOM C. CLARK,

Attorney General.

FRANK J. HENNESSY,

U. S. Attorney.

By /s/ R. B. McMILLAN,

Assistant U. S. Attorney.

Attorneys for Defendants.

[Endorsed]: Filed Jan. 29, 1947.

District Court of the United States, Northern  
District of California, Southern Division

No. 25294 Consolidated  
(Nos. 25294, 25295, 25296, 25297)

TADAYASU ABO, et al.,

vs.

TOM CLARK, et al.,

CONSENT AND ORDER  
REASSIGNING CASE

I consent to the above-entitled case being reas-  
signed to me for all further proceedings.

Dated Feb. 20, 1947.

/s/ LOUIS GOODMAN,  
Judge.

Good cause appearing therefor and the under-  
signed consenting thereto the above consolidated  
cases heretofore submitted to Hon. A. F. St. Sure,  
United States District Judge, are hereby ordered  
transferred and submitted to Hon. Louis E. Good-  
man, United States District Judge for all further  
proceedings therein.

Dated: February 20, 1947.

/s/ MICHAEL J. ROCHE,  
/s/ LOUIS GOODMAN,  
/s/ GEORGE B. HARRIS,  
U. S. District Judges.

[Endorsed]: Filed Feb. 20, 1947.

[Title of District Court and Cause.]

AFFIDAVIT OF THOMAS M. COOLEY, II.

District of Columbia—ss.

Thomas M. Cooley, II, being duly sworn, deposes and says:

That he is Director of Alien Enemy Control in the Department of Justice.

That in his said capacity he has control over and personal knowledge of the contents of the files of the said Department relating to the renunciation of citizenship at Tule Lake and elsewhere and to related matters.

That the attached is a true copy of a copy of a letter dated January 12, 1945, written to Dillon S. Myer, Director of the War Relocation Authority in Washington, D. C., by R. R. Best, Project Director of the Tule Lake Center at Newell, California, which reached the Department through official channels.

And that said copy is a part of the permanent records of the Department of Justice.

/s/ THOMAS M. COOLEY, II,  
Director Alien Enemy Control  
Department of Justice.

Subscribed and sworn to before me this 18th day of March, 1947.

[Seal] /s/ MARY R. McLEAN,  
Notary Public.

My Commission Expires Oct. 14, 1951.

(Copy)

United States Department of the Interior  
Tule Lake Center, Newell, California

January 12, 1945

Confidential

Airmail

Mr. Dillon S. Myer  
Director  
War Relocation Authority  
Barr Building  
Washington, 20, D. C.

Dear Mr. Myer:

There has been an acceleration of applications for renunciation of citizenship and from reports received from numerous sources, independent of each other, it is definitely clear to me that the evacuee citizens of this center are resorting to renunciation as a means of assuring detention, at least for the duration, very much in the same manner as they did in connection with registration and in connection with segregation.

Considerable confusion has resulted from their uncertainty as to their status—that is, the possibility of their having to leave—and to this has been added further confusion by minor conflicts and inconsistencies in information which has been disseminated by WRA. These conflicts, though minor, under abnormal conditions are almost deliberately misconstrued by the evacuees in their frantic and desperate effort to find refuge from the spectre of relocation. The net result, as I have stated before, is the flood of applications for renunciation which



has been continued and accelerated by the irrepres-  
sible rumors that renunciation will assure them of  
detention and protect them against expulsion from  
this center.

Unfortunately the evacuees are not the only ones  
who are in need of additional clarifications. For  
example, we are still trying to determine as a matter  
of certainty what should be done, insofar as WRA  
is concerned, respecting the right of evacuee citi-  
zens who have applied for renunciation but who  
are "not designated by name for exclusion", etc., if  
they wish to leave after January 2, 1945.

Clarification is also needed respecting the right of  
excluees at this center to leave after January 20,  
1945. Public Proclamation No. 21, by the provisions  
of paragraph 8, rescinds Public Proclamation No.  
8, effective midnight, January 20, 1945, and also as  
of that time and date rescinds Civilian Restrictive  
Orders No. 18, 19, 20, 23, 24, and 30, "except as to  
those persons who have been designated individually  
for exclusion or other control," etc. Civilian Re-  
strictive Order No. 26 which applies to Tule Lake  
War Relocation Project Area is not rescinded and  
therefore remains in full force and effect. What  
significance does this have since it is issued pur-  
suant to Public Proclamation No. 8 and that  
Proclamation is rescinded?

It appears that excepting for the failure to  
rescind Civilian Restrictive Order No. 26, the Tule  
Lake Project is in the same category as are all other  
projects, and that the restrictions of Proclamation

No. 8 apply only to those persons who have been or may be designated for exclusion or control. It would therefore seem to follow that all other citizens at this center, no matter what their record or our opinion may be, are free to leave after midnight, January 20, 1945.

From the scraps of information which we have so far obtained from the army and from an examination of the white, or cleared list, it seems likely that some of the most pro-Japanese in the center will not be individually designated by the army at all. Assuming this to be so and if our understanding that all citizens not individually designated are free to leave the center after midnight January 20, 1945, responsibility should be clearly allocated as between the army and WRA. If, however, some persons not individually designated are not free to go after January 20, who is to detain them and under what authority? This discussion does not exhaust the perplex ties but highlights the legal and practical difficulty which we foresee. In honesty, I will state that neither I nor my staff clearly understand the situation and as a result our efforts to explain it to the evacuees, together with statements issued from Washington, by the army, and appearing in the public press, have resulted in the greatest confusion in the colony. The central theme of evacuee thought at the present time is focused not on how to leave the center, but on how to remain in it. Most of the adult evacuees have given negative loyalty answers or have otherwise placed them-

selves in a position making war-time relocation extremely difficult. They have become emotionally conditioned to accepting the promise previously extended to them here that this camp would remain open to them as a haven during the War. They now see themselves faced with the choice of having the camp closed and being forced to relocate or in someways persuading some agency of the Government that they are dangerous and they must be detained. At the present time the evacuees hope to persuade the Department of Justice to intern them either here or in Santa Fe by renouncing their citizenship. If the Department of Justice should refuse to shelter them, notwithstanding renunciation, more drastic and possibly violent measures may be resorted to, to insure detention. Thus, in my opinion, the policy of forced relocation from this center at the present time will not succeed in relocating any significant number of persons but at best will force the evacuees to renounce their citizenship and, worse, might lead to an incident.

The seriousness of the situation in which many citizens are being led to renounce their citizenship solely for the protection against having to relocate warrants, in my opinion, a clear and unqualified announcement that no resident will be forced either directly or indirectly out of this center for the duration of the war, and either this center or a similar center will be available to the present residents of Tule Lake on a voluntary basis whether or not they renounce their citizenship. I have dis-

cussed this problem at length with members of my staff and they concur in my opinion that it would very likely prevent a situation such as that which followed segregation and registration.

Mr. Burling of the Department of Justice who, as you know, is here conducting renunciation of citizenship hearings, has approached me and has expressed grave concern over the enormous increase in the number of applications for renunciation over the figure anticipated. He independently expressed the view that this increase is, to an important extent, caused by the apparent application of the policy of forced relocation to this center. He has pointed out that under the act, it is almost impossible for him to stop the wave of renunciation of citizenship. I understand that he feels, therefore, that the Department of Justice has an interest in urging the abandonment of the policy of relocation at this particular center and that he has made a report to that effect to his superiors in Washington.

Because of the fact that once applications for renunciation are made, the processing always goes through to its conclusion, and because of the speed with which center morale is deteriorating and with which undesirable attitudes are crystalizing, I recommend that the underlying policy again be considered at the earliest possible moment.

Sincerely,

R. R. BEST,

Project Director.

[Endorsed]: Filed Mar. 24, 1947.

In the Southern Division of the United States  
District Court for the Northern District of  
California

No. 25294-G Cons. No. 25294-G

TADAYASU ABO, et al., etc.,

Plaintiffs,

vs.

TOM CLARK, etc., et al.,

Defendants.

### STIPULATION

It is stipulated between the parties hereto that this case be submitted for decision to the Court on the cause, that is, on the merits and the present record as it stands, including any evidence by way of affidavits and exhibits submitted on the respective motions for summary judgment and for judgment on the pleadings that is legally admissible as competent, relevant and material evidence against the objections and exceptions made thereto and against the motion made to suppress the same, and that the proofs be closed provided, however, that if the Court deems it necessary for a proper decision of any factual or legal issue or issues involved in this case as to any particular plaintiff or plaintiffs the Court shall order the production of further or additional evidence thereon and, in such an event, the parties hereto shall have the same rights in respect to the introduction of such further or addi-

tional evidence as to any such plaintiff or plaintiffs as they would have had if they had not entered into this stipulation.

Dated: October 10, 1947.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

TOM C. CLARK,  
Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

So Ordered, Oct. 10, 1947.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

[Endorsed]: Filed Oct. 13, 1947.

[Title of District Court and Cause.]

STIPULATION AND ORDER CORRECTING  
NAMES OF PARTIES

It is stipulated that the name of Shigetoshi Obata who was joined herein as a minor party plaintiff by order of court on August 25, 1947, be amended and corrected to read Shigetoshi Ohata, and that the names of Kazumi Hamano and Shizuo Hamano who were joined herein as parties plaintiff by order of court on August 25, 1947, be amended and corrected to read Kazumi Hanano and Shizuo Hanano respectively.

Dated: October 10, 1947.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

TOM C. CLARK,  
Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney.  
Attorneys for Defendants.

So Ordered: October 10, 1947.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

[Endorsed]: Filed Oct. 13, 1947.

In the United States District Court for the Northern  
District of California, Southern Division

No. 25294-G (Consolidated No. 25294-G)

TADAYASU ABO, et al., etc.,

Plaintiffs,

vs.

TOM CLARK, etc., et al.,

Defendants.

No. 25295-G (Consolidated No. 25294-G)

MARY KANAME FURUYA, et al., etc.,

Plaintiffs,

vs.

TOM CLARK, etc., et al.,

Defendants.

WAYNE M. COLLINS,

Attorney for Plaintiffs.

FRANK J. HENNESSY,

United States Attorney.

Attorney for Defendants.

Goodman, District Judge.

### OPINION

Plaintiffs are approximately 2300 out of 5371 native born persons of Japanese ancestry, who signed renunciations of their American citizenship in 1945, pursuant to 8 USC 801(i), while they were interned and imprisoned at Tule Lake Relocation Center in Modoc, California. These plaintiffs, by their amended complaint, seek a decree in equity



rescinding their renunciations and declaring that they are still citizens and nationals of the United States. The issue tendered is without precedent and unique in the annals of American jurisprudence.

Of the 2300 plaintiffs, about 264 were heretofore ordered deported as alien enemies. Some were subsequently voluntarily released by the Department of Justice. In actions 25296 and 25297, this court heretofore granted writs of habeas corpus, by which the remainder of the 264 referred to were released from the custody of the Immigration Authorities who were about to deport them to Japan. The Immigration Authorities claimed the right to deport these persons upon the ground that they became alien enemies, i.e. citizens of Japan, as a result of their renunciation of American citizenship. The reasons for the issuance of the writs of habeas corpus in these cases are set forth in my opinion, 76 Fed. Supp. 664.

In the instant causes, the renunciations are alleged to be void and ineffectual for the following reasons:

I. The renunciants acted (a) under pressure of duress and coercion induced by actions of the United States Government and by factions of disloyal co-internees, and (b) while in a state of mind, brought about by their evacuation and internment experience, rendering them impotent to act freely and voluntarily or competently and intelligently.

II. The renunciation hearings were unfairly conducted and were lacking in procedural due process.

III. 8 USC 801(i) is unconstitutional.

It is also alleged that some of the renunciants were infants and insane persons.

The answer of defendants denies that plaintiffs were coerced or caused by duress to renounce their citizenship and avers that the renunciations were free and voluntary. Denial is also made of the charge of unconstitutionality of the renunciation statute and of unfairness of the renunciation hearings.

The answer does admit the following:

Detention of renunciants in a war relocation center surrounded by wire and guarded; existence of hostility to renunciants in various parts of the country which caused them apprehension at relocation; existence at Tule Lake of pro-Japanese organizations which engaged in propaganda programs and misrepresentations to persuade citizen internees to renounce their American citizenship; parental pressure exercised by alien parents upon their citizen children to induce them to renounce for the preservation of the family unit, and to avoid induction into the armed forces.

The answer also alleges that certain of the plaintiffs were themselves members of the nationalistic Japanese organizations above referred to.

After the cause was at issue, both plaintiffs and

defendants moved for summary judgment upon affidavits and documents filed. The documents consist of public records issued by the War Relocation Authority on the subject of Japanese Evacuation and Relocation, records of hearings held in February and March of 1942 before a House Committee Investigating National Defense Migration, and a book entitled "The Spoilage" dealing with Japanese American evacuation and resettlement.

The plaintiffs also moved for judgment on the pleadings. In addition, motions to strike portions of the pleadings were filed by both sides. Plaintiffs also moved to strike certain of defendants' affidavits.

Then on October 13, 1947, a stipulation was entered submitting the cause on the merits, upon the record as it stands including any evidence by way of affidavits and exhibits submitted on the motions previously made that are legally admissible as competent, relevant and material against the objections made thereto; provided, however, that if the court desired further evidence in respect to any particular person, it may so order.

Certain of the affidavits making up the record are based upon facts ascertained from personal observation by individuals who appear to be unbiased. They are as follows:

Submitted by plaintiffs:

1. Tetsujiro Nakamura.
2. Masami Sasaki.
3. Rev. Thomas W. Grub.

Submitted by defendants:

1. John L. Burling.
2. Rosalie Hankey.
3. Thomas M. Cooley II, dated March 18, 1947 filed March 24, 1947.
4. Thomas M. Cooley II, dated January 9, 1947, filed January 27, 1947.

The documentary evidence proffered is voluminous and is corroborative and cumulative of matters contained in the affidavits. For these reasons and also because it is not the best evidence, the court has not considered the so-called documentary evidence. Neither has the Court considered the so-called Abe Fortas letter, since it was stricken out on preliminary motion.<sup>1</sup>

In my opinion decision of the causes should be

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<sup>1</sup>This letter, pleaded again in the amended complaint, is the subject of defendants' motion to strike. The letter is also attached as an exhibit to the affidavit of Ernest Besig. It is a communication from the Under Secretary of the Interior in charge of the War Relocation Authority to Mr. Besig as head of the American Civil Liberties Union in Northern California, sent in August 1945. In this communication is an explanation of the reason for certain regulations adopted at Tule Lake. The explanation given tends to confirm the plaintiffs contention that the primary factor which induced renunciation of citizenship by the plaintiffs herein was pressure exerted by the pro-Japanese groups at the Camp.

made without determining the alleged unconstitutionality of the renunciation statute.<sup>2</sup> The claim of the plaintiffs, that the so-called renunciation hearings were unfair, is unmeritorious, inasmuch as 8 USC 801(i) required no hearings at all.

A study of the affidavits reveals that some renunciants acted freely and voluntarily. However, these are not the renunciants who are here seeking restoration of citizenship. Those who did act freely were members of the pro-Japanese organizations at Tule Lake, who have already been repatriated to Japan in accordance with their express wishes.

To recite in detail the circumstances existing at Tule Lake Camp at the time the renunciations were executed, as well as the prior history of conditions there, would be to write a story more appropriate for a book or similar literary effort. It is sufficient to say that the affidavits of both sides show agreement as to the combination of factors which lead to the execution of the renunciations. What disagreement there is concerns which factors were primary, and which subordinate, as to their effect and impact upon the plaintiffs. These factors were:

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<sup>2</sup>The wisdom of abstaining from deciding Constitutional questions unless required to do so by the record of a particular case, has long been judicially recognized. *Baker v. Grice*, 169 U. S. 284; *Arkansas Oil Co. v. Muslow*, 304 U. S. 197; *Alma Motor Co. v. Timkin-Detroit Axle Co.*, 329 U. S. 129 (1946); *Rescue Army v. Municipal Court*, 331 U. S. 549 (1947); *Hurd v. Hodge* (October 1947 Term U. S. Supreme Court, Nos. 290 & 291, decided May 3, 1948.)

1. The internal pressure to renounce (by indoctrination of young and threats of violence against recalcitrant internees and their families) exerted by the two pro-Japanese factions at Tule Lake who were permitted to carry out nationalistic activities.

2. Parental pressure by alien parents on citizen children to prevent family breakup and avoid draft induction.

3. The fear of community hostility on release, leading to resort to renunciation in the belief it would assure further detention.

4. The conviction that the government would deport them in any event and, unless they renounced, they would be subject to reprisals on arrival in Japan.

5. Mass hysteria, the outgrowth of the combined experience of evacuation, loss of home, isolation from outside communication and concentration in an enclosed, guarded, overpopulated camp with little occupation, inadequate and uncomfortable living accommodations, dreary and unhealthful surroundings and climatic conditions,—producing neuroses built on fear, anxiety, resentment, uncertainty, hopelessness and despair of eventual rehabilitation.<sup>3</sup> I am satisfied that such factors, singly

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<sup>3</sup>It must be kept in mind that Tule Lake was a center purposed not for relocation but for segregation, for the duration of hostilities. In this camp were detained without separation: (1) disloyal alien Japanese; (2) American citizens of Japanese an-

or in combination, cast the taint of incompetency upon any act of renunciation made under their influence by American citizens interned without Constitutional sanction, as were the plaintiffs.

United States v. Kuwabara, 56 Fed. Supp. 716 decided July 22, 1944, was, in a manner of speaking, a "curtain raiser" to this proceeding. The United States Grand Jury for the Northern Division of the Northern District of California, on July 13, 1944, indicted 26 young American citizens of Japanese ancestry, then imprisoned at Tule Lake, for failing to report for pre-induction physical examination pursuant to the Selective Training and Service Act, 50 USC App. § 311. While I was holding the Eureka term of the court later that month, the United States Marshal brought these 26 young men to Eureka for arraignment. I appointed two leading attorneys to represent the defendants. Motions to quash the indictments were presented and were granted. In my opinion, I said: "It is shocking to the conscience that an American citizen be confined on the ground of disloyalty, and then, while so under duress and restraint be compelled to serve in the armed forces or be prosecuted for not yielding to such compulsion . . . defendant is under the circumstances not a free agent, nor is any plea that he

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cestry who were regarded by Executive Officers of the Government as disloyal; and (3) American citizens of Japanese ancestry whose loyalty had not been questioned but who chose to remain at Tule Lake in preference to further removal to a relocation Center or because of reluctance to leave family members.

may make, free or voluntary, and hence he is not accorded 'due process' in this proceeding." U. S. v. Kuwabara, *supra*, p. 719. I was subsequently advised that the Attorney General directed the United States Attorney not to appeal. The criminal proceedings consequently terminated.

It is true that the Constitutional safeguards in criminal proceedings, such as were taken in Kuwabara, may seem more important and vital than in civil proceedings. But they are of equal importance and vitality. It is only because their violation in prosecutions for crime so greatly offends the sense of justice that the safeguards themselves assume seemingly greater significance in criminal than in civil proceedings. Certainly the loss of American citizenship, described as "the highest hope of civilized man" (U. S. v. Schneiderman, 320 U. S. 118), calls for the exercise of the most inflexible caution upon the part of the Government officials having the power to effectively take away "this priceless benefit." (U. S. v. Schneiderman, *supra*, Justice Murphy.)

Subsection i, of Section 801 of Title VIII USC was added to Section 801 by the Congress on July 1, 1944. In general, section 801 prescribes the "means of losing United States nationality." Subsection i provided an additional means, namely, the loss of United States nationality by resident nationals by filing a written renunciation "whenever the United States shall be in a state of war." It is admitted by the Department of Justice that sub-



section i was drawn by the Attorney General solely as a result of a request to him by the Chairman of the Sub-Committee of the House Select Committee to Investigate Un-American Activities, to recommend to the Committee some solution of the problem arising out of the detention of American citizens at Tule Lake Camp. The Attorney General recognized that there was no constitutional means by which American citizens, not charged with crime and not under martial law could be detained by administrative, military or civil officials or upon a mere administrative determination of loyalty. The Attorney General was thus required to exercise his ingenuity to accomplish the continued detention of the citizen group at Tule Lake Camp without doing violence to the Constitution. His recommendation for the enactment of subsection i was his answer. For by virtue of this legislation, if renunciations of American citizenship could be obtained from those in Tule Lake, it was thought they could then be detained as alien enemies without doing violence to our traditional constitutional safeguards. It is not fair to charge the officers of the Department of Justice with the full responsibility for the effects of Section 801(i).<sup>4</sup> The People of the United States acting through their representatives in Congress

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<sup>4</sup>There was of course no governmental design to entrap the unwilling citizen into renunciation, but merely to afford an opportunity to the willing to renounce. Mass renunciations by distraught citizens were not contemplated.

assembled, as well as the executive and administrative officers of government whose activities contributed to the unfortunate saga of Tule Lake, must all take that responsibility.

The Regulations promulgated by the Attorney General pursuant to the authority granted by Section 801(i), 9 F. R. 12241 make quite clear the statutory object and the purpose of the so-called renunciation hearings.<sup>5</sup>

Congress itself was fully aware of the purpose and objectives of the statute as proposed by the

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<sup>5</sup>316.6 Hearing officer's recommendation. The hearing officer shall recommend approval or disapproval by the Attorney General of the applicant's request for approval of the formal written renunciation of nationality. The hearing officer, in making his recommendation, is authorized to consider not only the facts presented at the hearing, but also results of any investigation and any information which may be available to him in reports of Government agencies or bureaus, and from other sources, relating to the applicant's allegiance and relating to the effect of renunciation of nationality upon the interests of national defense. (underlineation supplied.)

316.7 Approval or disapproval by Attorney General. The hearing officer's recommendation and the record of the hearing and any other facts upon which it is based, will be submitted to the Attorney General for his approval or disapproval of the applicant's formal written renunciation of nationality. A renunciation of nationality shall not become effective until an order is issued by the Attorney General approving the renunciation as not contrary to the interests of national defense. (underlineation supplied.)

Attorney General. See House Report 1075 and Senate Report 1029 submitted in connection with H. R. 4102, 78th Congress 2d session.

The safeguards of the Constitution have fallen in earlier days in the face of the hysteria and exigencies of war. It has been stated that: "war stimulates lawlessness" and that "this was true of England during the Napoleonic Wars; it was true of the United States as a result of the World War." (referring to World War I.)<sup>6</sup>

But it is incumbent upon the United States to now effectively and properly correct the evils resulting from ignoring Constitutional safeguards, just as was done in the past.

The court is not unmindful of the heavy responsibilities and burdens resting upon the executive and military officials due to the war with Japan and the dangers particularly affecting the west coast of the United States. But even expediency cannot remove the taint of unfairness with which the renunciations, subsequently executed, were clothed, because of the admitted objective of subsection i.

There rested upon the government the impossible burden, under these conditions, as well as those inherent in the detention of the plaintiffs at Tule Lake, of imparting fairness and regularity to the procedure of alleged renunciations.

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<sup>6</sup>"Mr. Justice Holmes and the Supreme Court," Felix Frankfurter, 1938, p. 53.

In accepting the renunciation of the plaintiffs, the Attorney General was, of course, not only fully aware of the purpose of subsection i but also of all of the conditions existing at Tule Lake Camp at the time. The affidavits filed on behalf of the United States in this proceeding fully and without dispute so establish. Only a comparatively small number of renunciants acted with complete freedom of action, as evidenced by their subsequent acts in requesting repatriation followed by actual repatriation to Japan. Only as to this small number, may it be said that there was freedom from the factors which in law made the other renunciations, in the legal and equitable sense, involuntary and invalid.

The affidavit of John L. Burling, assistant to the Director of the Alien Enemy Control Unit of the War Division of the Department of Justice, filed by the Government, is enlightening. Mr. Burling unquestionably was the one officer of the Department of Justice who had the greatest first-hand knowledge concerning conditions at Tule Lake and the setting in which the renunciation hearings were held. Among other things he said: "The Attorney General was then confronted with the necessity of making a recommendation either for the detention of American citizens not charged with crime and not under martial law by an administrative act of a military or civil official or of recommending a means of accomplishing the detention of this group without violating the Constitution." The 48 page affidavit of Mr. Burling is a fair, temperate and

dispassionate statement of the circumstances backgrounding the renunciations. The following excerpts from pages 45 and 46 of his affidavit are indeed worthy of mention in this opinion:

“It is also patent that there was existing at Tule Lake at the time described a very high degree of excitement whipped up by organizations admittedly extremely pro-Japanese. It is also true, as has been stated, that most of the renunciations took place at the time when the renunciants and their families were in extreme fear of being forced out of the center into a hostile community and when they believed that the only way of making sure of protective detention during the war was to make themselves eligible for Department of Justice internment. If these factors and the hysteria render the act of renunciation by persons detained under these circumstances void, then the renunciations are void. If the court is now to hold that the totality of the circumstances described in this affidavit constitute coercion, then these renunciations were coerced.”

. . . “It may be said that the hardships inflicted upon these persons were very great and that the hysteria and mental confusion was likewise great.”

. . . “such renunciation could not be set aside as a result of a determination that legal coercion existed but only as an expression of the regret of the American people over the original act of evacuation and detention. If the renunciations are ultimately set aside, in affiant’s opinion, that ulti-

mate decision will only be justified as a determination that the persons of Japanese ancestry resident on the Pacific Coast were so goaded that some of them took the foolish step of renunciation and that, because the moral blame is ultimately elsewhere, these persons shall not suffer the legal consequences of their own acts.”

The chronology and history of the military and executive orders providing for the removal and relocation of American citizens of Japanese ancestry, as well as Japanese nationals, is set out in *Ex parte Endo*, 323 U. S. 283 and need not be repeated here. In *Endo v. U. S.* as well as in *Korematsu v. U. S.* 323 U. S. 214 and *Hirabayashi v. U. S.* 320 U. S. 81, the Supreme Court failed to pass upon constitutionality of the detention of these American citizens of Japanese ancestry, beyond the period required for their orderly relocation, a proceeding protested by certain of the justices in dissenting and concurring opinions. In view of the admissions contained in the affidavits filed by defendants herein and the conceded purpose of Section 801(i), I have no doubt that there was a complete lack of constitutional authority for administrative, executive or military officers to detain and imprison American citizens at Tule Lake who were not charged criminally or subject to martial law.

It is contended by the Government that the coercion of the renunciants was not by the Government and that, ergo, there is no basis for cancelling renunciations. But the Government was fully aware

of the coercion by pro-Japanese and by pro-Japanese organizations and the fear, anxiety, hopelessness and despair of the renunciants; and yet accepted the renunciations. Any one of the various factors, the existence of which is admitted by the affidavits, was adequate to produce, at least, a confused state of mind on the part of the renunciants and in which considered decision became impossible. The renunciants acted abnormally because of abnormal conditions not of their own making. We are not here concerned with whether or not the acts of the renunciants detrimentally affected other persons. The authorities cited by defendants, to support the contention that the duress recognized by equity as the basis for rescinding contractual obligations is absent here, are neither persuasive nor pertinent to the unique facts of these causes. There is adequate power in equity to right the wrong done to the plaintiffs—a wrong inherent in the objective of Section 801(i) and demonstrated by the admitted circumstances of renunciation. This judicial power has never been expressly limited nor circumscribed nor has the domain in which it functions been precisely bounded. 30 C.J.S. 387 et seq;

Indeed it is not inappropriate to apply to these causes the rationale of *McNabb v. U. S.* 318 U. S. 332. If a confession secured in a manner obnoxious to Congressional policy may not be used in a criminal case as evidence of guilt, it is equally true that a document relinquishing the priceless insignia of American citizenship should not be validated when executed in like manner.

The language in *Kuwabara, supra*, may be appropriately paraphrased to fit this proceeding, viz: "It is shocking to the conscience that an American citizen be confined without authority and then, while so under duress and restraint, for his Government to accept from him a surrender of his constitutional heritage."

The Government of the United States under the stress and necessities of national defense, committed error in accepting the renunciations of the greater number of the plaintiffs herein. The highest standards of public morality and the inexorable requirements of good conscience rest upon the Government in its dealings with its citizens. It must be slow to afflict and quick to make retribution. The Government must be neither reluctant nor evasive in correcting wrongs inflicted upon a citizen. By so doing it demonstrates to the people of the world the fairness and justice of our form of society and law. The Government need not sheepishly confess error; it must be stalwart and forthright in its recognition of injustice. By so doing, faith and confidence in our system of law will be maintained.

Upon the basis of the class showing made by plaintiffs, equity and justice require the entry of an interlocutory decree cancelling the renunciations and declaring plaintiffs to be citizens of the United States.

It may be that if the defendants were to go forward with further proof, they could present



evidence that certain of the plaintiffs individually acted freely and voluntarily despite the present record facts.<sup>7</sup> Therefore, it is further ordered that defendants may have 90 days from date hereof within which to file a designation of any of the plaintiffs concerning whom they desire to present further evidence. As to any plaintiff, not so designated by the defendants within the time specified, a final decree may enter. As to any plaintiff designated in the manner and within the time specified, further hearings, after notice duly given, will be held.

Dated: April 29th, 1948.

[Endorsed]: Filed April 29, 1948.

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[Title of District Court and Cause.]

ORDER EXTENDING TIME TO FILE DESIGNATION OF PLAINTIFFS CONCERNING WHOM DEFENDANTS DESIRE TO PRESENT FURTHER EVIDENCE

Upon application of Frank J. Hennessy, United States Attorney, and good cause appearing therefor,

It Is Hereby Ordered that the time for the de-

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<sup>7</sup>According to the affidavit of Thomas M. Cooley II, dated January 9, 1947, approximately 112 of the plaintiffs were Kibei who spent their formative years in Japan and were said to have been active members of pro-Japanese groups at Tule Lake.

fendants in the above entitled actions to file designation of any plaintiffs concerning whom they desire to present further evidence, as allowed by the Court in its Opinion rendered and filed herein April 29, 1948, be and the same is hereby extended to and including August 28, 1948.

Dated: July 27, 1948.

/s/ LOUIS GOODMAN,

U. S. District Judge.

[Endorsed]: Filed July 27, 1948.

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[Title of District Court and Cause.]

ORDER EXTENDING DEFENDANTS' TIME  
WITHIN WHICH TO FILE DESIGNATION

Good cause appearing therefor, it is ordered that the time within which the defendants may file a designation of any of the plaintiffs herein against whom they may wish to present further evidence at special hearings herein, which time heretofore was extended by order dated July 27, 1948 to August 28, 1948, be and the same hereby is extended to and including one hundred and twenty (120) days from and after the date an interlocutory order or decree in favor of the plaintiffs and against the defendants is filed by the plaintiffs and is entered herein.

Dated: August 23, 1948.

/s/ LOUIS GOODMAN,

U. S. District Judge.

[Endorsed]: Filed Aug. 23, 1948.

[Title of District Court and Cause.]

ORDER THAT PLAINTIFFS WHO SUED AS  
INFANTS NOW APPEAR AS ADULT  
PLAINTIFFS

Counsel for plaintiffs, in open Court, having this day informed the Court that each of the plaintiffs who heretofore appeared herein as an infant by his or her next of friend and guardian ad litem since then has attained his or her majority,

Now, therefore, it is ordered that each of said plaintiffs heretofore so appearing henceforth shall appear herein as an adult person in his or her own proper name.

September 27, 1948.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

Received copy of the above Order this 27th day of September, 1948.

TOM C. CLARK,  
Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.  
Defendants.

By /s/ ROBERT B. McMILLAN,  
Assistant U. S. Attorney.  
Attorneys for Plaintiffs.

[Endorsed]: Filed Sept. 27, 1948.

In the Southern Division of the United States  
District Court for the Northern District of  
California

No. 25294-G

Cons. No. 25294-G

TADAYASU ABO, et al., etc.,

Plaintiffs,

vs.

TOM CLARK, etc., et al.,

Defendants.

INTERLOCUTORY ORDER, JUDGMENT  
AND DECREE

This cause, together with that in its companion proceeding No. 25295-G heretofore consolidated with this proceeding under No. 25294-G, having heretofore been submitted to this Court for decision on the merits pursuant to written stipulation entered into between the parties on October 10, 1947, and the order of this Court thereon made on said date, after oral argument had and after briefs of the parties had been filed herein, and this Court being duly advised in the premises and the cause, facts, matters, issues and law pertinent thereto thereafter having been duly considered by this Court and this Court having filed herein its written Opinion herein, this Court now finds, orders, adjudges and decrees as follows:

(1) It Is Ordered that the defendants herein may have to and including one hundred twenty (120) days from and after the filing and entry of

this interlocutory order, judgment and decree, unless they earlier consent in writing herein to shorten said period of time or waive such a right, within which they may, in an exercise of good faith, by a writing or writings to be filed herein, designate any of the plaintiffs herein for special individual further hearings herein, upon their election, evidenced by any such designation, at which to produce admissible evidence relevant to the issues herein, other than that heretofore offered or introduced in evidence herein on the issues involved, against each such designated plaintiff proving or tending to prove that each such designated plaintiff renounce United States nationality and citizenship of his or her own free will, choice, desire and agency and that such renunciation was not caused by or affected by the duress, menace, coercion, intimidation, fraud and the undue influence under which he or she knowingly was held and subjected to at the time and place of renunciation by the United States Government, the defendants, the representatives, agents, servants or employees of said government or by the combined concurrent duress, menace, coercion, intimidation, fraud and the undue influence under which each was held and to which each was subjected at said time and place by alien-led gangs which are individuals who operated in and knowingly were permitted by the said government, its representatives, agents, servants and employees, and the defendants, to whose charge each then was committed, so to operate and act in and about the place where each plaintiff so was

interned and restrained of his or her liberty, provided, however, that as to any such plaintiff or plaintiffs who so shall be designated by the defendants for special individual further hearing herein, the burden of proof shall be and remain upon the defendants herein to prove that the renunciation of each such plaintiff, so designated for such special further hearing herein, was wholly voluntary, uncoerced and uncompelled and was of the free will, choice, desire and agency of such plaintiff and was neither caused by nor affected by the duress, menace, coercion, intimidation, fraud or undue influence in which he or she was held and subjected to, as aforesaid, and that, as to each such plaintiff who so shall be designated no formal judgment herein shall be made or become final until the respective individual special further hearing of such plaintiff or plaintiffs, held after notice duly given, shall have been concluded and then only after formal findings of fact and conclusions of law herein first shall have been signed and filed in any such further proceedings herein.

(2) It Is Ordered, Adjudged And Decreed as and for an interlocutory order, judgment and decree herein for each and all of the plaintiffs in this action whom the defendants do not designate for special individual further hearings herein, as aforesaid, within the period of time aforesaid, as follows, to-wit:

The application for renunciation of United States nationality and citizenship heretofore executed by each said plaintiff, including that of each of them

who then was laboring under the disability of infancy and those of the plaintiffs then mentally incapacitated who appear herein by next of friend and guardian ad litem, and his or her said renunciation thereof, together with the approval and the order of approval thereof heretofore made or executed by the Attorney General of the United States, a defendant herein, be and the same hereby are found and declared to be and they are and each of said things is null, void, invalid, illegal, contrary to public policy, and of no force and effect and they are and each of said things is hereby cancelled, annulled and set aside upon the grounds that each of said renunciations, so executed and made, and the said approval and order approving the same, so executed and made, were the direct and proximate cause, effect and result of the duress, menace, coercion, intimidation, fraud and the undue influence under which each plaintiff, contrary to his or her own free will, desire, choice and agency, at the time of the making, execution and approval thereof, was held, and for a long period of time prior thereto and thereafter had been held, arbitrarily, oppressively, capriciously and continuously in detention and internment and was restrained of his or her liberty in a War Relocation Center and internment camp, bounded by barbed wire, and held under the menacing guns of armed guards and patrols and deprived of his or her national and state citizenships and of all the rights, liberties, privileges and immunities thereof, including freedom of movement and access to his or her respective home in this

country, and to which each plaintiff at all of said times knowingly and intentionally was subjected by the defendants, the United States Government, its representatives, agents, servants and employees and, in particular, the War Relocation Authority, the defendant Attorney General, his predecessor in office and agents of the U. S. Department of Justice, and the military commander of the Western Defense Command and Fourth Army, to whose charge each plaintiff then and there was committed, but who acted under and by virtue of a claimed color of public executive and legislative authority albeit, in the absence of a state of martial rule and declaration of martial law, without constitutional or lawful right or sanction, and without charging any of them with the commission of any crime and without giving any of said plaintiffs a hearing on the cause of said detention and mistreatment or any opportunity for any such hearing or for a release from said confinement, and the same were the direct and proximate cause, effect and result of the joint, combining concurrent duress, menace, coercion, intimidation, fraud and the undue influence under which each plaintiff, contrary to his or her own free will, desire, choice, and agency, at all of said times and at said place then and there had been and was held and subjected to by alien-led gangs and individuals, likewise detained by said public authorities along with plaintiffs, which and whom the defendants, the United States Government, its representatives, agents, servants and employees, to whose charge they were committed and, in particular, the said



War Relocation Authority, the defendant Attorney General, his predecessor in office and agents of the Department of Justice, and the military commander of the Western Defense Command and Fourth Army, which and who, at all of said times and at the place of renunciation willfully, deliberately and wrongfully, with full notice and actual knowledge thereof, made it their policy and practice to permit and openly permitted said gangs and individuals so to hold and subject each plaintiff and they and each of them, knowingly and intentionally failed, refused and neglected to protect each plaintiff against the same, although they and each of them at all of said times had the duty to protect and the opportunity to protect each of said plaintiffs against the same and knew of that duty and opportunity, each and all of which said things and combination of things instilled and created a great fear, distress, hysteria, torment, despair and terror in each plaintiff and operated to deprive and did deprive each plaintiff of legal and mental capacity so to renounce and of freedom of choice, will, desire and agency in and about the making of his or her said renunciation of United States nationality and citizenship and forced and compelled him or her to make said application for renunciation and said renunciation.

(3) It Is Further Ordered, Adjudged And Decreed as to each plaintiff not hereinafter designated for special hearing by the defendants, as hereinbefore set forth, as follows, to-wit: none of said plaintiffs is an alien, foreigner or an alien enemy,

but on the contrary, each of said plaintiffs herein ever since his or her birth in this country has been and now is a native born citizen and national of the United States of America; that, as such, none of them is subject to detention by the defendants or any of them; none of them is subject to removal from the United States under the Alien Enemy Act by the defendants or any of them; none of them is subject to deportation from the United States as an alien by them or any of them; none of them is subject to any restraint upon his or her liberty or any infringement upon his or her rights, privileges or immunities as an American citizen by the defendants or any of them; and none of them can be restricted in his or her freedom of movement or be denied access to his or her home in this country by the defendants or any of them; and the defendants, and each of them, their agents, servants and employees, hereby are enjoined and prohibited from detaining any of the plaintiffs, from restraining them of their liberty, from removing or deporting any of them to Japan or any foreign country, from denying them freedom of movement, from denying them access to their homes in this country and from denying them any of their rights, liberties, privileges and immunities as citizens of the United States of America; and that any and all orders heretofore made by the defendants, or any of them, or by any other entity, governmental or private, for the detention, restraint, removal or deportation of any of the plaintiffs from the shores of this country and from denying them

freedom of movement or access to their homes in this country or of depriving them of the full and free exercise of each and all of their rights, liberties, privileges and immunities of United States nationality and citizenship be and the same hereby are ordered cancelled and set aside and they hereby are cancelled and set aside.

(4) It Is Finally Ordered that upon the expiration of one hundred twenty (120) days from the date of this interlocutory order, judgment and decree, or upon any earlier date in the event the defendants complete and file herein their designation of the names of any of the plaintiffs against whom they may wish to present additional evidence at special individual hearings herein, as herein-above-mentioned, or file a waiver of any such designation, the plaintiffs not so designated thereupon shall prepare and file formal findings of fact and conclusions of law herein and thereupon a final judgment and decree in favor of said such plaintiffs and against the defendants cancelling said renunciations shall be entered herein.

Dated: September 27, 1948.

/s/ LOUIS GOODMAN,

U. S. District Judge.

Approved as to form, as provided in Rule 5(d).  
Copy received September 27, 1948.

TOM C. CLARK,

Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.  
Defendants.

By /s/ ROBERT B. McMILLAN,  
Assistant U. S. Attorney.  
Attorneys for Defendants.

[Endorsed]: Filed Sept. 27, 1948.

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[Title of District Court and Cause.]

ORDER EXTENDING DEFENDANTS' TIME  
IN WHICH TO FILE DESIGNATIONS

On application of Frank J. Hennessy, United States Attorney, and good cause appearing therefor, It Is Hereby Ordered that the time within which the defendants may file designations of any of the plaintiffs herein, against whom they may wish to present further evidence at special hearings herein, be, and the same is hereby extended to and including February 25th, 1949.

Dated: January 25th, 1949.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

[Endorsed]: Filed Jan. 25, 1949.

[Title of District Court and Cause.]

ORDER REQUIRING DEFENDANTS TO  
SHOW CAUSE WHY THE DESIGNATION  
FILED HEREIN FEBRUARY 25, 1949,  
SHOULD NOT BE STRICKEN AND FI-  
NAL ORDER, JUDGMENT AND DECREE  
IN FAVOR OF EACH AND ALL OF THE  
PLAINTIFFS AND AGAINST DEFEND-  
ANTS BE ENTERED IMMEDIATELY  
UPON SETTLEMENT OF FINDINGS OF  
FACT AND CONCLUSIONS OF LAW

Upon reading and filing the Notice and Motion To Strike Designation and affidavit of merits in support thereof and for Order To Show Cause filed herein by the plaintiffs and good cause appearing therefor,

It Is Ordered and directed that the defendants in this cause, through their attorneys, appear and be before this Court on Monday, March 7, 1949, at the hour of 10 o'clock a.m. of said day, then and there to show cause, if any they have, why the "Designation of Plaintiffs" filed herein by the Defendants on February 25, 1949, should not be ordered stricken and be stricken from the record herein.

It Is Further Ordered that a copy of this order, together with copies of said Notice and Motion to Strike and Affidavit of merits in support thereof and for Order To Show Cause be served upon the United States Attorney for this District as the representative of the Attorney General and as one

of the attorneys of record for the defendants herein by the 1st day of March, 1949.

Dated: Feb. 28, 1949.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

[Title of District Court and Cause.]

NOTICE OF MOTION TO STRIKE  
DESIGNATION OF PLAINTIFFS

To Defendants and Tom C. Clark, Attorney General, H. G. Morrison, Assistant Attorney General, Frank J. Hennessy, United States Attorney, Enoch E. Ellison, Special Assistant to the Attorney General, and Paul J. Grumbly, Attorney, Department of Justice, Attorneys for Defendants:

You and each of you will please take notice that on Monday, the 7th day of March, 1949, at the hour of 10 o'clock a.m. of said day, or so soon thereafter as counsel can be heard thereon, the plaintiffs will bring on the within motion for hearing and decision before the above-entitled Court at the courtroom thereof, 2nd Floor, Post Office Building, 7th and Mission Streets, San Francisco, California.

Dated: Feb. 28, 1949.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

Receipt of a copy of the above notice together with a copy of the motion to strike therein mentioned and the Affidavit in support thereof and Order To Show Cause are admitted this 28th day of Feb., 1949.

TOM C. CLARK,  
Attorney General.

H. G. MORRISON,  
Assistant Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.

ENOCH E. ELLISON,  
Special Assistant to the  
Attorney General, and

PAUL J. GRUMBLY,  
Attorney,  
Department of Justice.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney.  
Attorneys for Defendants.

[Title of District Court and Cause.]

MOTION TO STRIKE DESIGNATION  
OF PLAINTIFFS

Plaintiffs move to strike the Designation of Plaintiffs filed herein by the defendants on February 25, 1949, upon the following grounds and for the following reasons, to-wit:

1. That Designation, as made, is actually a list of all or practically all the plaintiffs in the suit and, in consequence, violates the provisions of the written stipulation of the parties heretofore entered into on October 10, 1947, and Order of this Court thereon filed herein on October 13, 1947, closing the proof and submitting the cause on the merits for decision by this court.

2. That Designation violates the letter, spirit and provisions of the written Opinion of the Court made on the merits of the cause after due submission thereof to the Court by the parties hereto which said Opinion was filed herein on April 29, 1948.

3. That Designation in nowise complies with but is in direct violation of and flouts the provisions of the Interlocutory Order, Judgment and Decree made and entered herein on September 27, 1948, relating to the designation of individual plaintiffs, if any, against whom the defendants might elect to present additional evidence at special individual hearings, as therein provided.

4. That Designation, as made by defendants, is not such a designation as was permitted by the



Interlocutory Order, Judgment and Decree made and entered herein on September 27, 1948, which required a designation, if any was to be filed herein by defendants, to be made and filed by defendants in an exercise of good faith.

5. That Designation, as made by defendants, is sham, impertinent, irrelevant and immaterial and relates and pertains to and covers nothing but issues of fact heretofore determined, decided and resolved by this Court in favor of the plaintiffs and against the defendants, as appears from the fact that each and every item of proof offered by the defendants, as set forth in the "General Offer Of Proof" in said Designation heretofore was submitted to this Court for decision on the merits and heretofore was determined, decided and resolved by this Court in favor of the plaintiffs and against defendants, as covered by the said written Opinion of this Court and the said Interlocutory Order, Judgment and Decree.

6. That Designation violates the oral representations made to this Court and to counsel for the plaintiffs on January 25, 1949, by Paul J. Grumbly, attorney for the Department of Justice and defendants, in obtaining an order of this Court extending the time of the defendants to February 25, 1949, within which to file, in an exercise of good faith, a proper designation, if any, of individual plaintiffs, if any, for special hearings.

7. That Designation is not a true or proper designation, within the contemplation of the Court

or parties, but is sham, impertinent, irrelevant and evasive and was not filed in good faith by the defendants and violates and flouts the purposes for which each extension of time was given defendants since April 29, 1948, within which to file any such designation.

This motion to strike will be made upon the pleadings, records, files, evidence, papers and documents herein and upon this motion, notice hereof, affidavit of merits in support hereof, order to show cause, and also upon the following pleadings and records herein, to-wit: (1) the written stipulation submitting the cause to this Court for decision on the merits of the cause dated Oct. 10, 1947, and the order of this Court issued thereon; (2) the written Opinion of this Court made and entered herein on April 29, 1948; (3) the Interlocutory Order, Judgment and Decree made and filed herein on September 27, 1948; (4) the various stipulations of the parties and court orders extending the defendants' time within which to file a designation, as above referred to and (5) the Designation filed herein on February 25, 1949, by defendants.

Dated: February 28, 1949.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

[Title of District Court and Cause.]

AFFIDAVIT IN SUPPORT OF MOTION TO  
STRIKE DESIGNATION AND FOR OR-  
DER TO SHOW CAUSE

Northern District of California,  
State of California,  
City and County of San Francisco—ss.

Wayne M. Collins being first duly sworn, deposes and says:

He is and at all times since the institution of the within referred to suit has been the attorney of record for the plaintiffs herein;

Just prior to October 10, 1947, Thomas Cooley, II, Esq., then the director of the alien enemy control unit of the Department of Justice and one of the attorneys on the staff of the defendant Attorney General who was one of the attorneys for the defendants herein, orally informed affiant that the defendants had no further evidence whatever to introduce in the cause against plaintiffs or any of them other than that already filed in documentary form therein.

Thereafter, on October 10, 1947, counsel for the respective parties hereto entered into a written stipulation that the cause be submitted to this Court for decision on the merits of the cause, upon which the order of this Court was made so ordering, which said stipulation and order were filed and entered in the cause on October 13, 1947, and

that at said time it was understood and agreed between the attorneys for the respective parties hereto and they represented to this Court at said time that the evidence that as of that date had been offered on the issues raised by the pleadings and in the case covered all the evidence to be offered by either the plaintiffs or the defendants and that no further or additional evidence would be submitted unless the Court itself ordered the production of further or additional evidence thereon.

By the written stipulation entered into between the parties plaintiffs and defendants on October 10, 1948, and the Court order which issued thereon, filed herein on October 13, 1948, the plaintiffs and defendants stipulated and agreed and the Court ordered, in part, as follows:

“that the proofs be closed, provided, however, that if the Court deems it necessary for a proper decision of any factual or legal issue involved in this case as to any particular plaintiff or plaintiffs the Court shall order the production of further or additional evidence thereon,——.”

This Court has not at any time whatever deemed it necessary for a proper decision of any factual or legal issue involved in the case as to any particular plaintiff or plaintiffs to order the production of further or additional evidence on any issue involved in the case and has not made any such order or orders for the production of any further or additional evidence herein.

Thereafter, on April 29, 1948, this Court made

and filed its written Opinion herein which states, in part, as follows:

“It may be that if the defendants were to go forward with further proof, they could present evidence that certain of the plaintiffs individually acted freely and voluntarily despite the present record facts.”——

and therein gave the defendants ninety (90) days within which to file a designation of any such plaintiffs for special further hearings and provided therein for an interlocutory decree to be entered in favor of plaintiffs and against defendants.

Thereafter, the defendants obtained from this Court an order dated and filed herein on July 27, 1948, extending defendants' time within which to file any such designation to and including August 28, 1948.

Thereafter, at the oral request of attorneys in the Justice Department affiant withheld presenting the Interlocutory Order, Judgment and Decree to give defendants additional time within which to designate any of the plaintiffs in accordance with the said Opinion of the Court and so to do and thereafter consented, on August 23, 1948, with the attorneys for the defendants that defendants' time within which to file any such designation be extended 120 days from and after the entry of the interlocutory order, judgment and decree.

Thereafter, the defendants obtained from this Court an order dated and filed herein on August 23, 1948, extending defendants' time within which

to file any such designation to and including one hundred twenty (120) days from and after the date the plaintiffs filed their interlocutory order, judgment or decree in favor of the plaintiffs and against the defendants, the plaintiffs consenting thereto.

Thereafter, on September 27, 1948, the Interlocutory Order, Judgment and Decree was made and entered herein. It provides, in part, as follows:

“It Is Ordered that the defendants herein may have to and including one hundred twenty (120) days from and after the filing and entry of this interlocutory order, judgment and decree, . . . . ., within which they may, in an exercise of good faith, by a writing or writings to be filed herein, designate any of the plaintiffs herein for special individual further hearings herein, upon their election, evidenced by any such designation, at which to produce admissible evidence relevant to the issues herein, other than that heretofore offered or introduced in evidence on the issues involved, against each such designated plaintiff proving or tending to prove that each such designated plaintiff renounced United States nationality and citizenship of his or her own free will, choice, desire and agency and that such renunciation was not caused by or affected by the duress, menace, coercion, intimidation, fraud and the undue influence under which he or she knowingly was held and subjected to at the time and place of renunciation,—provided, however, that as to any such plaintiff or plaintiffs who so shall be designated by the defendants for special in-

dividual further hearing herein, the burden of proof shall be and remain upon the defendants herein to prove that the renunciation of each such plaintiff, so designated for such special further hearing herein, was wholly voluntary, uncoerced and uncompelled and was of the free will, choice, desire and agency of such plaintiff and was neither caused nor affected by the duress, menace, coercion, intimidation, fraud or undue influence in which he or she was held and subjected to,——.”

Thereafter, at the request of the defendants on January 25, 1949, and over the oral objections of affiant as attorney for the plaintiffs, and upon the representations of Paul J. Grumbly, an attorney for the Department of Justice who appeared for the defendants, made to the Court that the names of plaintiffs who would be designated, if any, would be few in number and that any such designation would be made in good faith, the Court signed an Order extending the defendants' time to and including February 25, 1949, within which defendants might file such a designation, if any.

Up to and including February 25, 1949, the defendants had a total of ten (10) calendar months within which to make a proper designation of certain plaintiffs, if any, for special individual hearings, but the defendants have not so done.

On February 25, 1949, the defendants filed herein a Designation of Plaintiffs.

The Designation of Plaintiffs, as filed herein by the defendants on February 25, 1949, contains a

list of all or substantially all the names of all the parties plaintiff in the suit; said designation classifies the plaintiffs into different types or groups, one of which, viz., Exh. XXI-1, in suit No. 25294, is a list of eight (8) plaintiffs the defendants admit were insane at the time of their renunciations and incompetent to renounce and another list, Exh. XXI-1, is a list of eight (8) plaintiffs whose renunciations the defendants admit were never approved by the Attorney General; none of the classified lists of names contained in said Designation has any relevancy to a proper designation of names of individual plaintiffs against whom the defendants elect to present additional evidence at special individual hearings; the "General Offer of Proof" contained in said Designation shows that the issues therein contained on which the defendants make an offer of proof relates to and covers matters and issues heretofore decided by the Court against the defendants and in favor of the plaintiffs; and affiant alleges that said Designation is improper, irrelevant, impertinent, sham, evasive, and dilatory; that it was not filed by defendants in an exercise of good faith and should be stricken from the record in the cause.

Wherefore plaintiffs and affiant as their attorney requests and moves that plaintiffs' motion to strike the Designation of Plaintiff filed herein on February 25, 1949, be granted and that an Order to show cause issue, directed to the defendants, requiring the defendants to appear and be before this Court



at a time therein to be specified, then and there to show cause why the Designation of Plaintiffs filed by defendants herein on February 25, 1949, should not be stricken from the record and a final order, judgment and decree be entered in favor of each and all of the plaintiffs and against the defendants immediately upon the settlement of the findings of fact and conclusions of law.

/s/ WAYNE M. COLLINS,  
Affiant,  
Attorney for Plaintiffs.

Subscribed and sworn to before me this 28th day of February, 1949.

[Seal] /s/ JANE M. DOUGHERTY,  
Notary Public in and for the City and County of  
San Francisco, State of California.

[Endorsed]: Filed Feb. 28, 1949.

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[Title of District Court and Cause.]

STIPULATION AND ORDER THAT PLAINTIFFS HERETOFORE APPEARING AS INFANTS BY GUARDIAN AD LITEM OR NEXT OF FRIEND, HAVING REACHED MAJORITY, NOW APPEAR AS ADULT PARTIES PLAINTIFF.

Whereas when this suit was filed in 1945 in excess of one hundred (100) of the plaintiffs then were minors, and thereafter a number of persons were joined as plaintiffs herein when they were

minors, each of said such persons heretofore appearing herein by guardian ad litem or next of friend, and whereas each of said infant plaintiffs so appearing herein since his or her joinder as a party plaintiff herein has reached his or her majority of twenty-one (21) years, Now, Therefore, It Is Stipulated that each of said persons who heretofore appeared as an infant herein by guardian ad litem or next of friend now appear herein as an adult person in his or her own true proper name and that the orders heretofore made and entered herein for their appearance by guardian ad litem or next of friend now be terminated, it being stipulated that it is not necessary to set forth their individual names herein.

Dated: March 4, 1949.

TOM C. CLARK,  
Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney.  
Attorneys for Defendants.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

So ordered: March 4, 1949.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

[Endorsed]: Filed March 4, 1949.

[Title of District Court and Cause.]

ORDER APPOINTING GUARDIAN AD LITEM

Good cause appearing therefor, it is hereby ordered that the plaintiffs herein, Shigeno Fudetani, Nagatoshi Hashiguchi, Flora Helen Shoji, Torao Sumi, Yoshikazu Toda and Yutaka Tom Uyehara, each of whom is a mental incompetent, be and each of them is hereby authorized to appear herein by Harry Uchida as his or her next of friend and guardian ad litem of each of them.

Dated: March 4, 1949.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

Receipt of a copy of the above order is hereby admitted this 4th day of March, 1949.

TOM C. CLARK,  
Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

[Endorsed]: Filed March 4, 1949.

[Title of District Court and Cause.]

STIPULATION AND ORDER SUBSTITUTING  
DEFENDANTS IN REPRESENTATIVE  
CAPACITIES.

Whereas Dean G. Acheson has succeeded to the office of the Secretary of State, and Watson B. Miller has succeeded to the office of the Commissioner of Immigration and Tom C. Clark has succeeded to the office of the Alien Property Custodian, and their predecessors in said offices were sued as defendants herein in their respective representative capacities,

It Is Stipulated between the parties hereto, as follows:

1. That the amended complaint and pleadings herein be amended and deemed amended substituting the name of Dean G. Acheson, as the Secretary of State, as a defendant herein in lieu of James F. Byrnes, his predecessor in said office;

2. That the amended complaint and pleadings herein be amended and deemed amended substituting the name of Tom C. Clark, as the Alien Property Custodian, as a defendant herein in lieu of James E. Markham, his predecessor in said office;

3. That the amended complaint and pleadings herein be amended and deemed amended substitut-

ing the name of Watson B. Miller, as the Commissioner of Immigration, as a defendant herein in lieu of Ugo Carusi, his predecessor in said office.

Dated: March 21, 1949.

TOM C. CLARK,  
Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney.  
Attorneys for Defendants.

/s/ WAYNE M. COLLINS,  
Attorney for Plaintiffs.

So ordered: March 21, 1949.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

[Endorsed]: Filed March 21, 1949.

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[Title of District Court and Cause.]

ORDER STRIKING DEFENDANTS'  
DESIGNATION OF PLAINTIFFS

The motion of the plaintiffs to strike the "Designation of Plaintiffs In Compliance With The Court's Order Entered Herein On September 27, 1948", which was filed herein by the defendants on February 25, 1949, and the order to show cause why said "Designation of Plaintiffs" should not be ordered stricken and be stricken from the record

and files herein came on regularly to be heard before this Court the 21st day of March, 1949, Wayne M. Collins, Esq., appearing for the plaintiffs and Robert B. McMillan, Esq., Assistant U. S. Attorney, appearing for the defendants. The defendants on March 7, 1949, filed a return to said motion and on March 18, 1949, a supplemental return thereto. Oral argument was made in support of and against said motion and in said order to show cause and the matter thereupon was submitted by the parties to the Court for decision;

As part of defendants' oral argument on said motion and order to show cause, defendants' counsel who appeared and argued for the defendants read to the Court part of a letter of instructions received by him from the office of the Attorney General relating to the said "Designation" filed by defendants herein on February 25, 1949, reading as follows:

"In making such designations we have given careful consideration to Judge Goodman's view that they should be made by the Government in the interests of justice. If this means that we should be convinced by the available evidence that the renunciations were voluntary, in the sense that they were not the results of fears of physical violence but were actually desired at the time they were made, you may assure him that we are so convinced. You may further assure him that, in our view, at least as strong a case can be made for sustaining the validity of the renunciations here

as were made in the cases now on appeal from the decisions of the District Court for the Southern District of California. In view of that fact and in view of Judge Goodman's opinion in the instant cases, the Attorney General feels that he cannot properly concede that the renunciations of any of the designated plaintiffs were involuntary as a matter of fact or law. He, of course, reserves the right to take a different position in the event that the decisions now on appeal should be sustained.

“In view of the pending of such appeals and the possibility that they may prove dispositive of many of the instant cases it seems desirable, as a practical matter, to avoid trials as to plaintiffs designated in Exhibit XIX until after final action on the appeals. Indeed, it is within the realm of possibility that the final decisions in the cases on appeal will render any further proceedings unnecessary.”

This Court finds that the said “Designation of Plaintiffs” filed by the defendants herein on February 25, 1949, contains a list of all or substantially all the names of the parties plaintiff in the suit; that it classifies the plaintiffs into different types or groups; that none of the classified lists of names of plaintiffs contained therein has any competency, relevancy or materiality to any issue or any bearing on any issue not heretofore decided by this Court or to any new issue of fact or proof against any plaintiff or plaintiffs; that the “General Offer Of Proof” contained therein relates to and covers offered matters of proof of factual issues

which heretofore were considered and decided by this Court in favor of the plaintiffs and against the defendants after the cause had been submitted to this Court for decision on the merits of those issues and those issues of fact that been resolved by this Court in favor of the plaintiffs and against the defendants, as decided in this Court's Opinion made and entered herein on April 29, 1948, and as covered by the Interlocutory Order, Judgment and Decree made and entered herein on September 27, 1948, and the Court finds that the "Defendants' Return To Order To Show Cause Why Previously Filed Designation Of Plaintiffs Should Not Be Stricken" filed by defendants herein on March 7, 1949, and the "Defendants' Supplemental Return To Court's Order To Show Cause Why Previously Filed Designation of Plaintiffs Should Not Be Stricken" filed herein on March 18, 1949, relate to nothing but factual issues heretofore decided by this Court in favor of the plaintiffs and against the defendants which were resolved in favor of plaintiffs and against defendants when the Court's Opinion was made and entered herein on April 29, 1948, and which formed a basis for the Interlocutory Order, Judgment and Decree of this Court entered herein on September 27, 1948.

And the Court finds that the said "Designation of Plaintiffs", so filed by the defendants herein on February 25, 1949, does not conform to the spirit, purpose or provisions of the written Opinion of this Court made and entered herein on April



29, 1948, or to the provisions of the Interlocutory Order, Judgment and Decree made and entered herein on September 27, 1948, and that it is not the type of designation for which an opportunity to designate was given by this Court to the defendants; and finds and concludes that the defendants' said "Designation Of Plaintiffs In Compliance With The Court's Order Entered Herein On September 27, 1948" should be ordered stricken and be stricken from the record and files herein; and the defendants not having shown good cause why a final order, judgment and decree should not be made and entered herein in favor of each and all of the plaintiffs and against the defendants, as prayed for in the amended complaint herein; and it appearing that the Motion Of The Plaintiffs To Strike that designation of plaintiffs filed herein by the defendants should be granted, and Good Cause Appearing Therefor,

Now, Therefore, This Court Orders that the said "Designation Of Plaintiffs In Compliance With The Court's Order Entered Herein On September 27, 1948," which was filed herein by the defendants on February 25, 1949, be stricken from the records and files herein and the same hereby is stricken from the records and files herein and the plaintiffs are directed to prepare and file forthwith herein formal written findings of fact and conclusions of law upon which the final order, judgment and decree of this Court is to be made and entered

herein in favor of each and all of the plaintiffs and against the defendants, as prayed for in their amended complaint on file herein.

Dated: March 23, 1949.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

Receipt of a copy of the foregoing Order is hereby admitted this 23rd day of March, 1949.

TOM C. CLARK,  
Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney.  
Attorneys for Defendants.

[Endorsed]: Filed March 23, 1949.

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[Title of District Court and Cause.]

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

This cause, together with its companion suit No. 25295-G heretofore consolidated with this suit under No. 25294-G, having heretofore been submitted to the Court, sitting without a jury, for decision on the merits of the cause, pursuant to written stipulation entered into between the parties hereto on October 10, 1947, and the order of this Court thereon made on October 13, 1947, pursuant thereto,

and this Court thereafter, on April 29, 1948, having rendered and filed its written Opinion on the issue involved and, thereafter, on September 27, 1948, having made and entered its written interlocutory order, judgment and decree in favor of the plaintiffs and against the defendants herein and having provided in said interlocutory order, judgment and decree for the formal findings of fact and conclusions of law to be prepared and filed herein and judgment thereon to be entered herein, and the time for the presentment of said formal findings of fact and conclusion of law upon which judgment is to be rendered having arrived, and the Court having duly considered the issues and matters involved herein and being fully advised in the premises now makes its findings of fact and conclusions of law on the issues herein, as follows:

### Findings of Fact

#### Findings As to the First Cause of Action:

1. The allegations contained in paragraphs I, II and III of the amended complaint are true and correct.

2. The allegations contained in paragraph V of the amended complaint are true and correct, except the allegation that the Attorney General approved none of the applications and issued no orders approving them, it being found that he approved each of them by orders either before or since this suit was commenced.

3. The allegations contained in paragraph VI

of the amended complaint are true and correct but this court finds that no hearings were required to be given to plaintiffs.

4. The allegations contained in paragraphs IV and VII of the amended complaint were true and correct as at the time this suit was brought but since then each plaintiff has been released from the detention therein mentioned.

5. This Court does not decide the question of the unconstitutionality of the provisions of Title 8 USCA, Sec. 801 (i) and Sections 316.1 to 316.9, inclusive, of the Nationality Regulations promulgated by the defendant Attorney General, as alleged in paragraph VIII of the amended complaint, on their faces simply because it is of the opinion its decision on the cause should be made without determining the alleged unconstitutionality of the renunciation statute, but does find and conclude that there was a complete lack of constitutional authority for United States administrative, executive and military officers to detain and imprison the plaintiffs and other Interned American Nisei citizens and to hold them in duress and subject them to duress when they were not charged criminally or subject to martial rule and law from the time of their evacuation to the time of their release from the restraint upon their liberty and that said things invalidate and void each of the renunciations executed by the plaintiffs at and from the time of their execution and the approval thereof by the defendant Attorney General.

Findings As to the Second Cause of Action:

1. As to the allegations contained in paragraph I of the second cause of action in the amended complaint, the Court makes the same findings of fact on paragraphs I, II, III, IV, V, VI and VII of the first cause of action in the amended complaint, as incorporated in said paragraph I of the second cause of action, as hereinabove set forth in findings Nos. 1, 2, 3 and 4 made on the first cause of action.

2. The allegations contained in paragraph II of the second cause of action in the amended complaint are true and correct.

3. The allegations of paragraph III of the second cause of action in the amended complaint, in the first paragraph thereof and in subd. (a), (b), (c), thereof are true and correct; the allegations contained in paragraph III (d) are true and correct but it was not incumbent on the Attorney General to give the hearings therein mentioned; the allegations contained in paragraph III (e) of the amended complaint and III (f) of the amended complaint are true and correct; the allegations of paragraph III (g) of the amended complaint were true and correct until the time each of the plaintiffs was released from detention since the commencement of this suit, as aforesaid, by the Attorney General defendant; the allegations of paragraph III (h) are true and correct.

4. The allegations contained in paragraphs IV, V, VI, VIII, IX, X and XI of the second cause of action in the amended complaint are true and

correct but the court does not consider the letter of Abe Fortas in paragraph VII thereof as a pleading therein.

5. The allegations contained in paragraph XII of the second cause of action in the amended complaint are true and correct save and except the allegations that the defendant Attorney General still restrains the plaintiffs from their liberty and finds that, since the commencement of this suit, he has released each plaintiff from the aforesaid detention.

6. The allegations contained in paragraph XIII of the second cause of action in the amended complaint are true and correct.

Findings As to the Third Cause of Action:

1. As to the allegations contained in paragraph I of the third cause of action of the amended complaint, the Court makes the same findings of fact on paragraphs I, II, III, V and VI of the first cause of action in the amended complaint, as incorporated in said paragraph I of the third cause of action, as hereinabove set forth in findings Nos. 1, 2 and 3 made on the first cause of action, and makes the same findings of fact on paragraph XII of the second cause of action in the amended complaint, as incorporated in said paragraph I of the third cause of action, as hereinabove set forth in finding No. 5 made on the second cause of action.

2. The allegations contained in paragraph II of the third cause of action are true and correct, the minor plaintiffs therein mentioned, now adults, be-

ing those who once appeared herein by guardian ad litem because of their said infancy and all those plaintiffs who appeared herein under their own true names as adults but who were infants under the age of twenty-one (21) years when they signed their applications for renunciation or at the time they were given hearings thereon by agents of the defendant Attorney General or at the time the said Attorney General approved their said renunciations, and the adult plaintiffs therein referred to as mental incompetents at said times have been conceded by the defendants to be the following plaintiffs who appear by guardian ad litem or next of friend herein, to-wit: Shigeno Fudetani, Nagatoshi Hashiguchi, Takeo Frank Shimada, Yoshiko (Helen) Shinde, Flora Helen Shoji, Torao Sumi, Yoshikazu Toda and Yutaka Tom Uyehara, who medically did not have sufficient mental capacity to accomplish a legally binding act.

And Amplifying The Findings Of Fact Hereinabove Made On Each Of The Three Causes Of Action Contained In The Amended Complaint, The Court Further Finds, as follows:

In the latter part of 1944, in order to provide for the continued detention in the Tule Lake Center of American citizens there detained who were not charged with crime or subject to martial law or rule, the Attorney General drafted and recommended to Congress the passage of legislation which was enacted as Title 8 USCA, Sec. 801 (i) and, to achieve the objectives of that statute, he promul-

gated Title 8 of the Nationality Regulations, Secs. 316.1 to 316.9, inclusive.

While each plaintiff was detained without constitutional authority by the U. S. Government each executed his or her renunciation application and thereafter renounced his or her U. S. nationality and citizenship and the Attorney General thereafter approved that application and renunciation.

The renunciation application executed by each plaintiff and the renunciation of U. S. nationality and citizenship made by each plaintiff was not of his or her own free will, choice, desire and agency but was compelled and coerced and was caused by and was the direct and proximate result of the duress in which each plaintiff was held and subjected by the U. S. Government, its agents, and the defendants as its agents, and the incidental concurrent duress, menace, coercion, intimidation, fraud and undue influence to which each was subjected and which was exerted upon each plaintiff by groups and individual internees likewise detained. The immediate causative duress factors existing at the Tule Lake Center at the time each plaintiff's application for renunciation was executed and at the time each renounced his or her U. S. nationality and citizenship during his or her unconstitutional imprisonment and which either singly or in combination contributed directly to the execution of such application and the making of said renunciation were as follows:

The internal pressure to renounce, by indoctrina-



tion of the young and threats of violence against recalcitrant internees and their families, exerted by the alien-led repatriate organizations which the government authorities in charge knowingly permitted freely to operate and engage in such activities in the Tule Lake Center; parental pressure exerted on citizen children by detained alien parents, who feared and believed themselves destined by the government for removal to Japan, to prevent family breakup and avoid draft induction which they feared and believed would subject them and their American born citizen children to reprisals on arrival in Japan; fear that community hostility on release from detention would subject them to loss of limb or life and caused plaintiffs to believe renunciation would assure further detention and resultant personal security; conviction that the government would deport them to Japan in any event and that, unless they first renounced U. S. nationality, they would be subject to reprisals on arrival in Japan; mass fear, hysteria and terror resulting as the outgrowth of the combined experience of evacuation, loss of home and assets, isolation from outside communication and concentration in an enclosed, guarded, overpopulated camp with little occupation, inadequate accommodations, dreary and unhealthful surroundings and climatic conditions—producing neuroses built on fear, anxiety, resentment, uncertainty, hopelessness and despair of eventual rehabilitation.

The U. S. Government, the Attorney General,

his agents, the W. R. A. authorities and the defendants at all times mentioned in the amended complaint had actual knowledge of the existence, nature and circumstances of the duress in which each plaintiff was held and under which he or she labored and to which each long had been and was subjected at the times and place of renunciation and of the fears, anxiety, hopelessness, despair and terror which beset each and that the same caused each plaintiff to renounce his or her U. S. nationality and that the renunciation of each plaintiff was coerced and was directly and proximately caused by the duress in which each was held and to which each was subjected by the U. S. government, groups and individuals, as aforesaid, and that the renunciation of each plaintiff was contrary to his or her own free will, choice, desire and agency and that it was coerced and compelled but the Attorney General, nevertheless, accepted and approved the renunciation of each.

Findings As To Answer To Amended Complaint  
Relating to the First Cause of Action:

1. The admissions contained in paragraph I of the answer to the amended complaint are true and correct; and the allegations of paragraph I of the amended complaint which are neither admitted nor denied in said paragraph I of the answer thereto are true and correct.

2. The admissions contained in paragraph II of the answer to the amended complaint are true and correct; the allegation therein that no defendants

other than defendants Clark, Hennessy and Wixon have appeared and that, therefore, allegations with respect to such non-appearing defendants are not relevant to the cause is not true; each of the defendants in said cause appeared herein.

3. The denials and assertions contained in paragraph III of the answer to the amended complaint thereof are untrue; the admissions therein contained are true and correct; and further finds that each plaintiff is a native born citizen and national of the United States and that any finding by the defendant Attorney General to the effect that they or any of them have been or were or are dangerous to the United States is not true.

4. The admission contained in paragraph IV of the answer to the amended complaint that each of the plaintiffs is interned as therein admitted was true up to the time each was released from said internment by the defendant Attorney General since the commencement of this suit; that said internment was under removal orders issued by the defendant Attorney General but that in issuing said orders he exceeded the lawful powers vested in him, none of the plaintiffs then, now or at any time since being lawfully subject to detention or removal under the Alien Enemy Act and the presidential proclamations and regulations of the Attorney General therein referred to; the denials therein contained are untrue.

5. The admissions contained in paragraph V of the answer to the amended complaint are true and

correct; the denials therein contained are not true; the assertion therein contained that the renunciation of each plaintiff was in fact approved by the Attorney General is true as to the actual mechanical fact of approval but the approval thereof is invalid and void; the allegation therein contained that each of said renunciations is valid and legally effective is not true and this court finds that each of said renunciations was and is invalid, illegal, ineffective and void from its inception.

6. On the contents of paragraph VI of the answer to the amended complaint this court finds that there was no legal requirement whatever upon the Attorney General to give the renunciation hearings therein referred to but finds that those hearings, as given, were not conducted fairly or in conformity with what otherwise would be constitutional requirements and, on the contrary, were arbitrary and capricious and were given each plaintiff while he or she was held in false imprisonment and actually laboring under the duress in which he or she was held and subjected to by the government, its agents, and the defendants, as its agents, to which the duress, menace, coercion, fraud, intimidation and undue influence exerted upon each of them by terroristic groups and individuals operating in said camp was incidental, of which said facts the Attorney General and his hearing officers then and there had actual knowledge and fully were aware; that each of the plaintiffs then was the victim of said double duress, government caused and, in executing

his or her renunciation and in attending and being subjected to such hearing, was not a free agent but was acting involuntarily and under compulsion of said governmental duress and the said private duress which was an incident thereto; the other and remaining assertions and denials therein contained are not true.

7. The admissions contained in paragraph VII of the answer to the amended complaint are true so far as admitted therein, and, in addition thereto, this court finds that the Attorney General heretofore released each of the plaintiffs from detention and immediate threat of removal from the United States to Japan but that, until then, each plaintiff was held under and was subjected to the duress alleged in paragraph VII of the amended complaint; the denial of the existence of the duress referred to therein is untrue.

8. The admissions, denials and conclusions contained in paragraph VIII of the answer to the amended complaint are true and correct or untrue as found or concluded as hereinabove set forth in paragraph No. 5 of the findings and conclusions on paragraph VIII of the amended complaint relating to the first cause of action, which said findings and conclusions are hereby incorporated herein as findings and conclusions on the contents of paragraph VIII of the answer to the amended complaint.

Findings as to Answer to Amended Complaint  
Relating to Second Cause of Action:

1. The allegations, admissions and denials contained in paragraph IX of the answer to the amended complaint are true and correct or untrue as hereinabove specifically covered by the findings of the court covering paragraphs I to VII, inclusive, of the answer to the first cause of action contained in the amended complaint which said findings are hereby incorporated herein.

2. The denials contained in paragraph X of the answer to the amended complaint are untrue.

3. The admission contained in paragraph XI of the answer to the amended complaint of the truth of the allegations contained in subsection (h) of paragraph III of the Second Cause of action contained in the amended complaint is true and correct; the assertion that neither the Government nor any of its agents, servants or employees subjected plaintiffs to the duress therein referred to or any duress is not true; the denial therein contained of all other allegations, except the exceptions therein set forth, is untrue; the admission therein contained that each plaintiff since his or her renunciation and subsequent hearing and order by the Attorney General has been detained for removal to Japan was true until each was released by him prior to the rendition of the Court's written opinion herein, but not since then; and finds all other admissions therein contained to be true and correct except the admission that there was maintained in said Center a disciplinary enclosure in which persons disturbing the orderly conduct of said Center were from time to time detained and finds that several hundred

internees were confined therein by the U. S. authorities in charge for various periods of time lasting from a few hours to eleven months time without just cause and without accusations or complaints being made or filed against them and without any hearings whatever being afforded or given any of them on the question of the cause or reason therefor; finds that the admission therein contained that at the hearings on the orders to show cause by the Attorney General, termed mitigation hearings, each plaintiff was given full opportunity to present such evidence as he wished is not true and finds that, on the contrary, each arbitrarily was subjected to such a hearing at which he was deprived of the right to counsel, to produce witnesses and evidence on his own behalf and to learn of any charges or accusations against him and of a fair and impartial hearing, and of all the incidents thereof, and the court finds that there was no authority vested in the defendant Attorney General to subject the plaintiffs to such hearings.

4. The admissions contained in paragraph XII and XIII of the answer to the amended complaint are true and correct; the denials therein contained are untrue.

5. The matter contained in paragraph XIV of the answer to the amended complaint being evasive is treated as a denial of the matter alleged in paragraph VII of the second cause of action contained in the amended complaint and such denials are found to be untrue; the allegations of fact con-

tained in paragraph VII of the second cause of action contained in the amended complaint are found from the evidence to be true and correct although the court does not consider and give weight to the letter of Abe Fortas as a pleading herein.

6. The denials contained in paragraph XV of the answer to the amended complaint are untrue.

7. The admission contained in paragraph XVI of the answer to the amended complaint is true and correct but the denials therein contained are untrue.

8. The denials contained in paragraph XVII of the answer to the amended complaint are untrue.

9. The admissions contained in paragraph XVIII of the answer to the amended complaint that each plaintiff attempted to revoke his or her renunciation is true and the court finds that each wrote a letter of cancellation thereof to the Attorney General; the assertion therein that his failure and refusal to accept the said revocations was necessitated by law is untrue, the said renunciations being void, illegal and invalid at and from their inception; the admission therein that the defendants refused to release plaintiffs from detention and the assertion the plaintiffs would be removed to Japan pursuant to orders of the defendant Attorney General were true up to the time plaintiffs were released from said detention prior to the time the Court's Opinion was filed herein but not since then.

10. The admissions contained in paragraph XIX of the answer to the amended complaint are true and correct.



Findings as to Answer to Amended Complaint  
Relating to the Third Cause of Action:

1. The admissions, allegations and denials contained in the material incorporated by reference in paragraph XX of the answer to the amended complaint are true and correct or untrue as hereinabove specifically covered by the findings of the court thereon and, further, finds that several hundred of the plaintiffs were laboring under the legal disability and incompetency of infancy at the time they signed their respective applications for renunciation and renounced United States nationality and so were laboring when the Attorney General signed orders approving the said renunciations; that a few of the adult plaintiffs, those appearing by guardian ad litem or next of friend herein because of their mental incompetency, were mentally incompetent at the time they signed their applications for renunciation of United States nationality and at the time the Attorney General signed orders approving their said renunciations; that the denial in said paragraph XX of said answer of mental incompetency and the denial therein that the act of renunciation as to the then infant plaintiffs and said medically incompetent adult plaintiffs were without effect because of infancy or other incompetency are untrue.

Findings as to Affirmative Defense to the Three Causes of Action Contained in the Amended Complaint:

1. The allegations contained in subdivisions 1,

2 and 3 of Section "First" of paragraph XXI of the affirmative defense in the answer to the amended complaint are true and correct.

2. The allegations contained in Section "Second" of paragraph XXI of the affirmative defense in the answer to the amended complaint are true and correct but the court finds that the isolation of each plaintiff in the room where the private interview therein referred to was had was part and parcel of the governmental duress in which each was held and that it intensified the fear in which each was held and subjected to by the government and groups and individuals in said camp for, by excluding Nisei, Issei and Caucasian friends and witnesses for each plaintiff therefrom each plaintiff was convinced, in his fear and terror, that the United States Government desired and was demanding and forcing his or her renunciation.

3. As to the allegations contained in Section "Third" of paragraph XXI of the affirmative defense in the answer to the amended complaint, finds that, despite the purposes of the hearing therein mentioned and the instructions the officers therein mentioned may have received none of the plaintiffs fully or at all understood the consequences of his or her act and none of them undertook such act voluntarily, but on the contrary, solely under the compulsion of duress, as hereinabove found; the remaining allegations therein contained are not true.

4. The allegations contained in Section "Fourth" of paragraph XXI of the affirmative defense in the

answer to the amended complaint insofar as it relates to a number of the plaintiffs recites the facts, but as to such, said plaintiffs were members of said organizations only because they were driven into the same by virtue of the duress in which they were held and to which they were subjected by the government, groups and individuals, as hereinabove found; that such persons asserted the beliefs, hopes or desires and acted as they did only because they then and there and for years prior thereto had been deprived of free agency, will choice and desire in so doing and were under said compulsion and duress so to be and do; the other and remaining allegations in said section of said paragraph not hereinabove specifically found to be true and correct being found to be untrue.

5. The allegations contained in Section "Fifth" of paragraph XXI of the affirmative defense in the answer to the amended complaint are true and correct but the court finds that the action of the plaintiffs therein referred to were the direct and proximate result of the duress in which the government held them and subjected them and caused them to be held and subjected, as hereinabove found.

6. The allegations contained in Sections "Sixth" and "Seventh" of paragraph XXI of the affirmative defense in the answer to the amended complaint are true as to a number of the plaintiffs but the knowledge of the facts therein stated was not a causative factor in their retractions of any of said renunciations.

7. The allegations contained in Section "Eighth"

of paragraph XXI of the affirmative defense in the answer to the amended complaint are untrue.

### Conclusions of Law

From the foregoing facts the Court concludes, as matters of law, as follows:

1. The court has jurisdiction over the cause and over the persons of each of the plaintiffs and of each of the defendants.

2. The plaintiffs are, and each of them is, entitled to the judgment, decree and relief sought by the amended complaint herein and by the prayer thereof.

3. The United States Government imposed detention, imprisonment and internment imposed upon each plaintiff during which each plaintiff renounced his United States nationality and citizenship in 1945 was lacking in constitutional authority.

4. The application for renunciation of United States nationality and citizenship executed by each plaintiff in 1945, during his or her government imposed detention, imprisonment and internment, the renunciation of his or her citizenship so made and the order of the defendant Attorney General approving each such application and renunciation are, and each of said things is, wholly illegal, contrary to law and public policy and null and void, ab initio, for being directly and proximately caused by the duress and coercion under which each plaintiff was laboring and was held and subjected to at the times thereof by the United States Government, the defendants and their agents, as its representa-

tives, and the concurrent duress, menace, fraud, intimidation, coercion and undue influence under which each plaintiff was held and subjected to by groups and individuals, likewise detained by defendants, which was an incident of and caused by said governmental duress.

5. Each plaintiff at birth and ever since then has been and now is a native born national and citizen of the United States of America and domiciled therein and is entitled to the full and complete exercise and enjoyment of all his or her rights, privileges, liberty and immunities of United States nationality and citizenship.

6. Each plaintiff is entitled to have his or her renunciation application, his or her renunciation and the order of the Attorney General approving the same cancelled and nullified from the time of the making or execution thereof.

7. Any and all orders of the defendant Attorney General for the detention or removal of any of the plaintiffs to Japan or elsewhere are null and void and of no force or effect.

8. Each plaintiff is entitled to freedom from detention, imprisonment and internment and from the threat thereof by the defendants or any of them and to freedom from removal and threat of removal to Japan or elsewhere by the defendants or any of them.

9. Each plaintiff is entitled to freedom of movement within the United States and of access to his or her home in the United States from abroad with-

out any interference therewith by the defendants or any of them, their agents, servants, employees and representatives, and to the full and complete exercise and enjoyment of all his or her rights, privileges and immunities of United States citizenship without restriction being placed thereon by the defendants or any of them, their agents, servants, employees or representatives, and to a permanent injunction restraining, enjoining and prohibiting the defendants and each of them, their agents, servants, employees and representatives from interfering with any of their said freedoms, rights, privileges and immunities of United States nationality and citizenship.

Let the final order, judgment and decree be entered accordingly.

April 12th, 1949.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

Receipt of a copy of the above Findings of Fact and Conclusions of Law is hereby admitted this 12th day of April, 1949.

TOM C. CLARK,  
Attorney General,

FRANK J. HENNESSY,  
U. S. Attorney,  
Defendants.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Defendants.

[Endorsed]: Filed April 12, 1949.

In the Southern Division of the United States District Court for the Northern District of California

No. 25294-G Cons. No. 25294-G

TADAYASU ABO, et al., etc.,

Plaintiffs,

vs.

TOM C. CLARK, as Attorney General of the United States; FRANK J. HENNESSY, as United States Attorney for the Northern District of California and, as such, the head of the Department of Justice in said District; DEAN G. ACHESON, as the Secretary of State; JOHN W. SNYDER, as Secretary of the Treasury; WATSON B. MILLER, as the Commissioner of Immigration; IRVING F. WIXON, as the District Director of the United States Immigration and Naturalization Service, United States Department of Justice and, as such, the head of the United States Immigration and Naturalization Service for the Northern District of California; TOM C. CLARK, as the Alien Property Custodian; JULIUS A. KRUG, as the Secretary of the Interior; DILLON S. MYER, as Director, War Relocation Authority; RAYMOND R. BEST,

as Project Director, Tule Lake Center; and  
IVAN WILLIAMS, as the Officer in Charge,  
United States Department of Justice, Immigra-  
tion and Naturalization Service, Tule Lake  
Center, Newell, Modoc County, California,  
Defendants.

FINAL ORDER, JUDGMENT  
AND DECREE

This cause, together with its companion suit No. 25295-G heretofore consolidated with this suit under No. 25294-G, having heretofore been submitted to the court, sitting without a jury, for decision on the merits of the cause, pursuant to written stipulation entered into between the parties hereto on October 10, 1947, and the order of this Court thereon made on October 13, 1947, pursuant thereto, and this Court thereafter, on April 29, 1948, having rendered and filed its written Opinion on the issues involved herein and, thereafter, on September 27, 1948, having made and entered its written interlocutory order, judgment and decree in favor of the plaintiffs and against the defendants and the court being fully advised in the premises and the findings of fact and conclusions of law having been settled



and filed in said cause and the Court having directed that its final order, judgment and decree in favor of each and all of the plaintiffs and against the defendants herein be entered in accordance therewith.

Now, Therefore, by reason of the law and the findings aforesaid:—

It Is Ordered, Adjudged and Decreed as and for a final order, judgment and decree in favor of each and all of the plaintiffs and against the defendants herein as follows, to-wit:—

1. The application for renunciation of United States nationality and citizenship heretofore executed by each plaintiff in 1944 or 1945, the renunciation of his or her United States nationality and citizenship and the order of the defendant Attorney General approving each such application and renunciation are, and each of said things is, wholly illegal, contrary to law and public policy, null and void ab initio, and they are, and each of said things is, hereby cancelled and set aside.

2. Each plaintiff at birth and ever since then has been and now is a native born national and citizen of the United States of America and domiciled therein and each is entitled to the full and complete

exercise and enjoyment of all his or her rights, privileges, liberty and immunities of United States nationality and citizenship.

3. The defendants are, and each of them is, and their agents, servants, employees and representatives are, and each of them is, hereby permanently enjoined from detaining, imprisoning or interning the plaintiffs or any of them and from restraining them or any of them of liberty and from removing them or any of them to Japan or elsewhere and from interfering with their freedom of movement within the United States and right of access to their home in the United States from abroad and from interfering with their full and complete exercise and enjoyment of each and all of their rights, privileges and immunities of United States nationality and citizenship.

Done in Open Court this 12th day of April, 1949.

/s/ LOUIS GOODMAN,

U. S. District Judge.

Entered in Civil Docket April 13th, 1949.

Receipt of copy acknowledged.

[Endorsed]: Filed April 12, 1949.

[Title of District Court and Cause.]

MOTION TO SUSPEND INJUNCTIONS  
GRANTED IN FINAL JUDGMENTS EN-  
TERED HEREIN APRIL 12, 1949, DURING  
THE PENDENCY OF APPEALS TAKEN  
FROM SAID JUDGMENTS TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT ON APRIL  
26, 1949

Defendants move to suspend the injunctions granted in the final judgments made and entered herein on April 12, 1949, upon the following grounds:

1. That on April 26, 1949, defendants filed their notices of appeal to the United States Court of Appeals for the Ninth Circuit from the final judgments made and entered herein on April 12, 1949.

2. That said judgments are, and each of them is, contrary to law.

3. That said judgments are, and each of them is, contrary to the evidence.

4. That if executions of the injunctions granted are not suspended for and during the pendency of said appeal, said plaintiffs, and each of them, will be accorded, during said pendency, the rights of citizens of the United States, and will exercise such rights, including the rights of approximately 1480 plaintiffs, now in Japan, to return to the United States of America, which rights, and the exercise thereof, in the event the judgments herein are reversed, would have been unlawful.

This motion will be made upon the pleadings, records, files, evidence, the judgments herein, and upon this motion and the notice hereof.

Dated: April 26, 1949.

/s/ H. G. MORISON,  
Assistant Attorney General.

/s/ FRANK J. HENNESSY,  
United States Attorney.

/s/ ENOCH E. ELLISON,  
Special Assistant to the  
Attorney General.

/s/ PAUL J. GRUMBLY,  
Attorney, Department of  
Justice,  
Attorneys for Defendants.

Memorandum of Points and Authorities  
Rule 62(c), Federal Rules of Civil Procedure.

[Endorsed]: Filed April 26, 1949.

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[Title of District Court and Cause.]

NOTICE OF MOTION TO SUSPEND IN-  
JUNCTIONS GRANTED IN FINAL JUDG-  
MENTS ENTERED HEREIN APRIL 12,  
1949, DURING THE PENDENCY OF AP-  
PEALS TAKEN FROM SAID JUDGMENTS  
TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT  
ON APRIL 26, 1949

To the above-named plaintiffs, and their attorney,  
Wayne M. Collins, Esq.:

You and Each of You Will Please Take Notice that on Monday, the 2nd day of May, 1949, at the hour of 10:00 o'clock a.m. of said day, or as soon thereafter as counsel can be heard thereon the defendants will bring on the within Motion for hearing and decision before the above-entitled Court at the courtroom thereof, Second Floor, Post Office Bldg., Seventh and Mission Streets, San Francisco, California.

Dated: April 26, 1949.

/s/ H. G. MORISON,

Assistant Attorney General.

/s/ FRANK J. HENNESSY,

United States Attorney.

/s/ ENOCH E. ELLISON,

Special Assistant to the  
Attorney General.

/s/ PAUL J. GRUMBLY,

Attorney, Department of  
Justice,

Attorneys for Defendants.

Receipt of a copy of the above Notice, together with a copy of the Motion, is admitted this 26th day of April, 1949.

/s/ WAYNE M. COLLINS,

Attorney for Plaintiffs.

[Endorsed]: Filed April 26, 1949.

[Title of District Court and Cause.]

NOTICE OF APPEAL

To the United States Court of Appeals for the  
Ninth Circuit:

Notice Is Hereby Given that the above-named defendants hereby appeal to the United States Court of Appeals for the Ninth Circuit from the final judgment made and entered in this action on April 12, 1949.

Dated: April 26, 1949.

/s/ H. G. MORISON,  
Assistant Attorney General.

/s/ FRANK J. HENNESSY,  
United States Attorney.

/s/ ENOCH E. ELLISON,  
Special Assistant to the  
Attorney General.

/s/ PAUL J. GRUMBLY,  
Attorney, Department of  
Justice,  
Attorneys for Defendants.

Receipt of copy acknowledged.

[Endorsed]: Filed April 26, 1949.

[Title of District Court and Cause.]

DESIGNATION OF CONTENTS OF  
RECORD ON APPEAL

To the Clerk of the above-entitled Court, and to  
Wayne M. Collins, Esq., attorney for plaintiffs:

The above-named defendants, by their attorneys herein, hereby designate for inclusion in the transcript of record upon appeal the complete record and all the proceedings in the action, pursuant to the provisions of Rule 75(o) of the Federal Rules of Civil Procedure and Rule 11(1) of the Rules of Practice of the United States Court of Appeals for the Ninth Circuit.

Dated: April 26, 1949.

/s/ H. G. MORISON,  
Assistant Attorney General.

/s/ FRANK J. HENNESSY,  
United States Attorney.

/s/ ENOCH E. ELLISON,  
Special Assistant to the  
Attorney General.

/s/ PAUL J. GRUMBLY,  
Attorney, Department of  
Justice,  
Attorneys for Defendants.

[Endorsed]: Filed April 26, 1949.

[Title of District Court and Cause.]

ORDER MODIFYING FINAL ORDER,  
JUDGMENT AND DECREE

Good Cause appearing therefor, the final order, judgment and decree entered herein April 12, 1949, is hereby modified by adding at the end thereof the following:

The restraints imposed upon defendant Secretary of State, his servants, employees and representatives in this decree, shall not affect the exercise of the authority and powers conferred upon him and them pursuant to 8 USC 903 with respect to persons abroad claiming United States nationality or citizenship.

Dated: May 2, 1949.

/s/ LOUIS GOODMAN,  
U. S. District Judge.

[Endorsed]: Filed May 2, 1949.

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[Title of District Court and Cause.]

CERTIFICATE OF CLERK TO  
RECORD ON APPEAL

I, C. W. Calbreath, Clerk of the District Court of the United States for the Northern District of California, do hereby certify that the foregoing documents, listed below, are the originals filed in this Court, or true and correct copies of orders entered on the minutes of this Court, in the above-entitled



case, and that they constitute the Record on Appeal herein, as designated by the Appellants;

Complaint to Rescind Renunciation of Nationality, to Declare Nationality, for Declaratory Judgment and for Injunction.

Order Appointing Next of Friend and Guardian Ad Litem for Minor Plaintiffs, filed Nov. 13, 1945.

Summons.

Withdrawal and Dismissal, filed Dec. 7, 1945.

Stipulation, filed Dec. 7, 1945.

Stipulation, filed Dec. 11, 1945.

Withdrawal and Dismissal, filed Dec. 20, 1945.

Stipulation to Inclusion of Additional Parties as Plaintiffs in Suit, filed Dec. 20, 1945.

Order Joining Parties Plaintiff, filed Dec. 20, 1945.

Stipulation and Order, filed Dec. 31, 1945.

Stipulation and Order, filed Jan. 2, 1946.

Stipulation and Order, filed Jan. 2, 1946.

Stipulation and Order, filed Jan. 2, 1946.

Stipulation and Order, filed Feb. 7, 1946.

Stipulation and Order to Inclusion of Additional Parties as Plaintiffs in Suit, filed Mar. 4, 1946.

Stipulation and Amendment to Complaint to Rescind Renunciation of Nationality, filed Mar. 4, 1946.

Stipulation and Order Re Production of Petitioners, filed Mar. 14, 1946.

Stipulation and Order Extending Time, filed Mar. 14, 1946.

Stipulation and Order to Inclusion of Additional

Parties as Plaintiffs in Suit, filed Mar. 19, 1946.

Stipulation and Order to Inclusion of Additional Parties in Suit, filed Mar. 27, 1946.

Stipulation and Order Extending Time, etc., filed Apr. 4, 1946.

Motion to Strike, filed Apr. 15, 1946.

Points and Authorities in Support of Motion to Strike, filed Apr. 15, 1946.

Stipulation and Order Extending Time, filed Apr. 22, 1946.

Plaintiffs' Points and Authorities in Opposition to Defendants' Motion to Strike, filed May 2, 1946.

Stipulation and Order Extending Time, filed May 6, 1946.

Stipulation and Order Extending Time, filed May 13, 1946.

Stipulation and Order Extending Time, filed May 27, 1946.

Memorandum Supplemental to Points and Authorities in Support of Motion to Strike, filed June 21, 1946.

Stipulation and Order to Inclusion of Additional Parties as Plaintiffs in Suit, filed June 21, 1946.

Memorandum Briefed in Support of Motions to Strike, filed July 5, 1946.

Petitioners' Supplemental Memorandum in Opposition to the Motion to Strike, filed July 10, 1946.

Order, filed July 11, 1946.

Stipulation and Order Extending Time, filed July 27, 1946.

Amended Complaint to Rescind Renunciations of

Nationality, to Declare Nationality, for Declaratory Judgment and for Injunction, filed Aug. 15, 1946.

Order Substituting Parties Defendant, filed Aug. 16, 1946.

Stipulation and Order, filed Aug. 16, 1946.

Stipulation to Substitution of Parties Defendant, filed Aug. 16, 1946.

Stipulation and Order, filed Sept. 9, 1946.

Stipulation to Inclusion of Additional Parties Plaintiff in Suit, filed Sept. 13, 1946.

Order Joining Additional Parties as Plaintiffs in Suit and Appointing Guardian Ad Litem, filed Sept. 13, 1946.

Motion to Strike, filed Sept. 19, 1946.

Memorandum of Points and Authorities in Opposition to Motion to Strike, filed Sept. 20, 1946.

Answer, filed Sept. 23, 1946.

Voluntary Dismissal of Certain Plaintiffs Without Prejudice, filed Sept. 30, 1946.

Order Appointing Guardian Ad Litem, filed Sept. 30, 1946.

Motion to Strike, filed Oct. 10, 1946.

Motion for Summary Judgment, filed Oct. 14, 1946.

Motion for Judgment on the Pleadings, filed Oct. 14, 1946.

Notice of Hearing of Motions, filed Oct. 16, 1946.

Stipulation to Inclusion of Additional Parties Plaintiff in Suit, filed Oct. 17, 1946.

Order Joining Additional Parties as Plaintiffs in Suit, filed Oct. 17, 1946.

Stipulation to Inclusion of an Additional Party Plaintiff in Suit, filed Oct. 23, 1946.

Order Joining an Additional Party as Plaintiff in Suit, filed Oct. 23, 1946.

Respondents' Points and Authorities in Opposition to Complainants' Motion to Strike, filed Nov. 12, 1946.

Respondents' Points and Authorities in Opposition to Complainants' Motion for judgment on the Pleadings, filed Nov. 12, 1946.

Respondents' Points and Authorities in Opposition to Complainants' Motion for Summary Judgment and Cross Motion for Summary Judgment, filed Nov. 12, 1946.

Stipulation to Inclusion of Additional Parties Plaintiff in Suit, filed Nov. 18, 1946.

Order Joining Additional Parties as Plaintiffs in Suit and Appointing Guardian Ad Litem, filed Nov. 18, 1946.

Minute Order of November 18, 1946—Motion to Strike and for Summary Judgment to Be Submitted on Briefs.

Briefs for Respondents, filed Nov. 29, 1946.

Affidavit of Thomas M. Cooley, II, filed Dec. 5, 1946.

Praecipe, filed Dec. 11, 1946.

Plaintiffs' Affidavits in Support of Their Motions for Summary Judgment and for Judgment on the Pleadings and to Strike Defendants' Pleadings and in Opposition to Defendants' Cross Motion for Summary Judgment, filed Dec. 11, 1946.

Brief for Plaintiffs, filed Dec. 11, 1946.

Objections and Exceptions to Affidavits of Merit filed by Defendants and Motion to Strike the Same, filed Dec. 18, 1946.

Affidavit of Thomas M. Cooley, II, Dated January 6, 1947, filed Jan. 9, 1947.

Stipulation and Order to Inclusion of Additional Parties as Plaintiffs in Suit, filed Jan. 20, 1947.

Affidavit of Rosalie Hankey, filed Jan. 23, 1947.

Stipulation and Order to Inclusion of Additional Parties as Plaintiffs in Suit, filed Jan. 27, 1947.

Supplemental Brief for Respondents, filed Jan. 27, 1947.

Objection and Exceptions to Evidence, Motion to Strike Same, and Motion to Suppress Evidence Illegally Obtained, filed Jan. 29, 1947.

Plaintiffs' Supplemental Memorandum, filed Feb. 11, 1947.

Consent and Order Reassigning Case, filed Feb. 20, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Mar. 13, 1947.

Affidavit of Thomas M. Cooley, II, filed Mar. 24, 1947.

Stipulation and Order to Inclusion of an Additional Party Plaintiff in Suit, filed Mar. 26, 1947.

Order Appointing Guardian Ad Litem, filed Mar. 26, 1947.

Stipulation and Order to Inclusion of an Additional Party Plaintiff in Suit, filed Apr. 1, 1947.

Order Appointing Guardian Ad Litem, filed Apr. 1, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Apr. 3, 1947.

Stipulation and Order to Inclusion of an Additional Party Plaintiff in Suit, filed Apr. 8, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Apr. 18, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Apr. 28, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed May 7, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed May 8, 1947.

Stipulation and Order to Inclusion of an Additional Party Plaintiff in Suit, filed May 16, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed May 29, 1947.

Release of Certain Plaintiffs and Petitioners in Actions Numbered 25294, 25295, 25296 and 25297, filed June 3, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed June 3, 1947.

Order Appointing Guardian Ad Litem, filed June 3, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed June 30, 1947.

Order Appointing Guardian Ad Litem, filed June 30, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed July 23, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed July 28, 1947.

Stipulation and Order to Inclusion of Additional Party as Plaintiff in Suit, filed July 30, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Aug. 4, 1947.

Voluntary Dismissal of a Party Plaintiff Without Prejudice, filed Aug. 7, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Aug. 7, 1947.

Voluntary Dismissal of a Party Plaintiff Without Prejudice, filed Aug. 7, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Aug. 25, 1947.

Stipulation and Order to Inclusion of an Additional Party Plaintiff in Suit, filed Aug. 25, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiffs in Suit, filed Sept. 4, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Sept. 11, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Sept. 18, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Sept. 30, 1947.

Stipulation, filed Oct. 13, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Oct. 13, 1947.

Stipulation and Order Correcting Names of Parties, filed Oct. 13, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Oct. 16, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Oct. 27, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Nov. 3, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Nov. 7, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Nov. 12, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Nov. 12, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Nov. 14, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Nov. 28, 1947.

Stipulation and Order to Inclusion of Parties Plaintiff, filed Nov. 28, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Dec. 5, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Dec. 12, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Dec. 19, 1947.

Stipulation and Order Amending Name of Party Plaintiff, filed Dec. 19, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Dec. 23, 1947.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Jan. 7, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Jan. 12, 1948.



Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Jan. 16, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Jan. 23, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Jan. 23, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Jan. 30, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Feb. 12, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Mar. 8, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Mar. 19, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Apr. 26, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed Apr. 29, 1948.

Opinion, filed Apr. 29, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed May 18, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed May 24, 1948.

Stipulation and Order to Inclusion of Additional Parties Plaintiff in Suit, filed May 28, 1948.

Order Extending Time to File Designation of Plaintiffs Concerning Whom Defendants Desire to Present Further Evidence, filed July 27, 1948.

Affidavit of Mailing, filed July 27, 1948.

Defendants' Motion to Dismiss, filed July 27, 1948.

Notice of Motion, filed July 27, 1948.

Plaintiffs' Opposition to Motion to Dismiss, filed Aug. 14, 1948.

Minute Order of August 16, 1948—Motion to Dismiss Denied.

Notice of Motion for Order Authorizing Joinder of Additional Parties Plaintiff, filed Aug. 17, 1948.

Notice of Order Denying Motion to Dismiss, filed Aug. 17, 1948.

Order Joining Parties Plaintiff, filed Aug. 23, 1948.

Notice of Granting Motion for Joinder, filed Aug. 23, 1948.

Order Extending Defendants' Time Within Which to file Designation, filed Aug. 23, 1948.

Notice of Motion for Order Authorizing Joinder of Additional Parties Plaintiff, filed Sept. 14, 1948.

Order Joining Parties Plaintiff, filed Sept. 20, 1948.

Notice of Granting Motion for Joinder, filed Sept. 20, 1948.

Notice of Motion for Order Authorizing Joinder of Additional Parties Plaintiff, filed Sept. 22, 1948.

Motions for Joinder of Additional Parties Plaintiff, etc., filed Sept. 24, 1948.

Notice of Motion for Order Authorizing Joinder of Additional Parties Plaintiff, filed Sept. 24, 1948.

Order That Plaintiffs Who Sued As Infants Now Appear as Adult Plaintiffs, filed Sept. 27, 1948.

Voluntary Dismissal of Certain Plaintiffs, filed Sept. 27, 1948.

Order Joining Parties Plaintiff, filed Sept. 27, 1948.

Interlocutory Order, Judgment and Decree, filed Sept. 27, 1948.

Notice of Granting Motions for Joinder, filed Sept. 30, 1948.

Order Extending Defendants' Time In Which to File Designations, filed Jan. 25, 1949.

Voluntary Dismissal of Certain Plaintiffs, filed Feb. 18, 1949.

Voluntary Dismissal of Certain Plaintiffs, filed Feb. 18, 1949.

Stipulation and Order, filed Feb. 18, 1949.

Stipulation and Order Correcting Names of Plaintiffs, filed Feb. 18, 1949.

Designation of Plaintiffs in Compliance With the Court's Order Entered Herein on September 27, 1948, filed Feb. 25, 1949.

Designation of Plaintiffs in Compliance With the Court's Order Entered Herein on September 27, 1948, filed Feb. 25, 1949.

Stipulation and Order, filed Feb. 25, 1949.

Order Requiring Defendants to Show Cause Why the Designation Filed Herein, etc., filed Feb. 28, 1949.

Stipulation and Order That Plaintiffs Heretofore Appearing as Infants by Guardian Ad Litem, or Next of Friend, Having Reached Majority, Now Appear as Adult Parties Plaintiff, filed Mar. 4, 1949.

Dismissal Without Prejudice, filed Mar. 4, 1949.

Order Appointing Guardian Ad Litem, filed Mar. 4, 1949.

Defendants' Return to Court's Order To Show Cause Why Previously Filed Designation of Plaintiffs Should Not Be Stricken, filed Mar. 7, 1949.

Defendants' Return to Court's Order To Show Cause Why Previously Filed Designation of Plaintiffs Should Not Be Stricken, filed Mar. 7, 1949.

Defendants' Supplemental Return to Court's Order To Show Cause Why Previously Filed Designation of Plaintiffs Should Not Be Stricken, filed Mar. 18, 1949.

Defendants' Supplemental Return to Court's Order To Show Cause Why Previously Filed Designation of Plaintiffs Should Not Be Stricken, filed Mar. 18, 1949.

Stipulation and Order Substituting Defendants in Representative Capacities, filed Mar. 21, 1949.

Order Striking Defendants' Designation of Plaintiffs, filed Mar. 23, 1949.

Defendants' Findings of Fact and Conclusions of Law Lodged March 24, 1949.

Order Extending Time to Make Objections and Propose Amendments to Findings of Fact and Conclusions of Law, filed Mar. 28, 1949.

Defendants' Memorandum of Objections and Proposed Amendments to the Findings of Fact and Conclusions of Law Filed by the Plaintiffs on March 24, 1949, filed Apr. 7, 1949.

Defendants' Proposed Finding of Fact and Conclusions of Law, not lodged nor filed.

Findings of Fact and Conclusions of Law, filed Apr. 12, 1949.

Final Order, Judgment and Decree, filed Apr. 12, 1949.

Motion to Suspend Injunctions Granted In Final Judgments Entered Herein April 12, 1949, During the Pendency of Appeals Taken From Said Judgments to the United States Court of Appeals for the Ninth Circuit on April 26, 1949.

Notice of Motion to Suspend Injunctions Granted In Final Judgments Entered Herein April 12, 1949, During the Pendency of Appeals Taken From Said Judgments to the United States Court of Appeals for the Ninth Circuit on April 26, 1949, filed Apr. 26, 1949.

Notice of Appeal, filed Apr. 26, 1949.

Designation of Contents of Record on Appeal, filed Apr. 26, 1949.

Order Modifying Final Order, Judgment and Decree, filed May 2, 1949.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court this 3rd day of June, A.D. 1949.

C. W. CALBREATH,  
Clerk.

By /s/ M. E. VAN BUREN,  
Deputy Clerk.

[Endorsed]: No. 12251. United States Court of Appeals for the Ninth Circuit. Tom Clark, as Attorney General of the United States, et al., Appellants, vs. Tadayasu Abo, et al., Appellees. Transcript of Record. Appeal from the United States District Court for the Northern District of California, Southern Division.

Filed June 3, 1949.

/s/ PAUL P. O'BRIEN,

Clerk of the United States Court of Appeals for the Ninth Circuit.

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In the United States Court of Appeals  
for the Ninth Circuit  
No. 12251

TOM CLARK, as Attorney General of the United States, et al.,

Appellants,

vs.

TADAYASU ABO, et al., etc.,

Appellees.

STIPULATION TO DESIGNATION OF CON-  
TENTS OF RECORD ON APPEAL TO BE  
PRINTED

It is stipulated between the parties, by their respective counsel, that the following portions of the record shall be printed by the appellants in the printed transcript of record on appeal herein, to-wit:

Filing Date	Of Vol. I. Names and Addresses of Attorneys.
11-13-45	Complaint, with its Exhibits, but omit listing of all plaintiffs' names and substitute the following therefor, <p style="margin-left: 40px;">“Tadayasu Abo, et al.,—adults, individually, and as constituting a class, and as representative of a class, and  “Genshyo Ambo, et al.,—minors, individually, and as constituting a class, and as representatives of a class, by Harry Uchida as the next of friend and as guardian ad litem of them and each of them,  <div style="text-align: right;">Plaintiffs,”</div> </p>
11-13-45	Order Appointing Next of Friend and Guardian Ad Litem for Minor Plaintiffs.
12-31-45	Stipulation and Order.
1- 2-46	Stipulation and Order.
3- 4-46	Supplement and Amendment to Complaint to Rescind Renunciations of Nationality, and its Exhibits.

- 3-14-46 Stipulation and Order Re Production of Petitioners.
- 4- 4-46 Stipulation and Order Extending Time, Etc.
- 4-15-46 Motion To Strike (omitting Points and Authorities in support thereof).
- 7-11-46 Order.
- 8-15-46 Amended Complaint To Rescind Renunciations of Nationality, To Declare Nationality, For Declaratory Judgment and for Injunction.
- 8-16-46 Order Substituting Parties Defendant.
- 8-16-46 Stipulation To Substitution of Parties Defendant.
- 9-19-46 Motion To Strike (omitting Points and Authorities in support thereof).
- 9-23-46 Answer.
- 9-30-46 Order Appointing Guardian Ad Litem.
- 10-10-46 Motion To Strike (omitting Points and Authorities in support thereof).
- 10-14-46 Motion for Summary Judgment.
- 10-14-46 Motion for Judgment on the Pleadings (omitting Points and Authorities).
- 10-16-46 Notice of Hearing of Motions.  
Of Vol II
- 11-12-46 Respondents' Points and Authorities in Opposition to Complainants' Motion for Summary Judgment and Cross Motion for Summary Judgment, omitting therefrom paragraph A and its subsections I, II, III, IV and V, but print only Para-



graph B, subsection I and prayer thereof which is the cross motion. Also print the Affidavits of John L. Burling, Charles M. Rothstein, Ollie Collins, Joseph J. Shevlin and Lillian C. Scott. Omit therefrom Affidavit of Thomas M. Cooley, II, verified Nov. 7, 1946, and Exhibit A and Exhibit B attached thereto.

- 11-18-46 Order.
- 12-11-46 Praecipe.
- 12-14-46 Plaintiffs' Affidavits In Support of Motions for Summary Judgment and for Judgment on the Pleadings and To Strike Defendants' Pleadings and In Opposition to Defendants' Cross Motion for Summary Judgment. Print also the Affidavits of Tetsujiro Nakamura, Masami Sasaki, Ernest Besig, Rev. Thomas V. Grubbs, and Ann Ray, in support of said motions which are attached thereto. Of Vol. III
- 12-18-46 Objections and Exceptions to Affidavits of Merit Filed by Defendants and Motion to Strike the Same.
- 1-23-47 Affidavit (of Rosalie Hankey).
- 1-29-47 Objections and Exceptions to Evidence, Motion to Strike Same, and Motion to Suppress Evidence Illegally Obtained.

- 2-20-47 Order Transferring Cause to Judge Louis E. Goodman.
- 3-24-47 Affidavit of Thomas M. Cooley, II.
- 10-13-47 Stipulation (and order thereon).
- 4-20-48 Opinion.
- 7-27-48 Order Extending Time to File Designation of Plaintiffs Concerning Whom Defendants Desire to Present Further Evidence.  
Of Vol. IV
- 8-23-48 Order Extending Defendants' Time Within Which to File Designations.
- 9-27-48 Order That Plaintiffs Who Sued As Infants Now Appear As Adult Plaintiffs.
- 9-27-48 Interlocutory Order, Judgment and Decree.
- 1-25-49 Order Extending Defendants' Time in Which to File Designations.
- 2-28-49 Order Requiring Defendants to Show Cause Why the Designation Filed Herein February 25, 1949, Should Not Be Stricken and Final Order, Judgment and Decree in Favor of Each and All Plaintiffs and Against Defendants Be Entered Immediately Upon Settlement of Findings of Fact and Conclusions of Law, together with Notice of Motion and Motion to Strike Designation of Plaintiffs and Affidavit in Support of Motion, all attached thereto.

- 3- 4-49 Stipulation and Order That Plaintiffs Heretofore Appearing As Infants by Guardian Ad Litem or Next of Friend, Having Reached Majority, Now Appear As Adult Parties Plaintiff. •
- 3- 4-49 Order Appointing Guardian Ad Litem.
- 3-21-49 Stipulation and Order Substituting Defendants in Representative Capacities.
- 3-23-49 Order Striking Defendants' Designation of Plaintiffs. •
- 4-12-49 Findings of Fact and Conclusions of Law.
- 4-12-49 Final Order, Judgment and Decree.
- 4-26-49 Motion to Suspend Injunctions Granted in Final Judgment Entered Herein April 12, 1949, During Pendency of Appeals Taken from Said Judgments to the United States Circuit Court of Appeals for the Ninth Circuit on April 26, 1949.
- 4-26-49 Notice of Motion.
- 4-26-49 Notice of Appeal.
- 4-26-49 Designation of Contents of Record on Appeal.
- 5-26-49 Order Modifying Final Order, Judgment and Decree.  
Certificate of Clerk to Record on Appeal.  
This Stipulation and Order Thereon.

Dated: June 27th, 1949.

/s/ H. G. MORISON,

Assistant Attorney General.

/s/ FRANK J. HENNESSY,  
United States Attorney.

/s/ ENOCH E. ELLISON,  
Special Assistant to the  
Attorney General.

/s/ PAUL J. GRUMBLY,  
Attorney, Department of  
Justice,  
Attorneys for Appellants.

/s/ WAYNE M. COLLINS,  
Attorney for Appellees.

[Endorsed]: Filed June 27, 1949.

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[Title of Court of Appeals and Cause.]

#### STIPULATION AND ORDER

It is stipulated between the parties hereto, by their respective counsel, that whereas the whole of the record on appeal herein is identical with that in appeal proceeding No. 12252, now pending in the above-entitled Court and entitled "Tom Clark, as Attorney General of the United States, et al., Appellants, vs. Mary Kaname Furuya, et al., etc., Appellees," with the exception of the names of the parties appellee therein and herein, and

Whereas all the issues of fact and of law which may be determined on the appeal herein are identical with those involved in said appeal proceeding No. 12252, save and except as such determination

of such issues of fact and of law may or shall affect the individual appellees in said appeal proceeding No. 12252,

It Is Stipulated that the Transcript of Record in said appeal proceeding No. 12252 need not be printed on said appeal, unless the same hereafter may be required for the convenience of the Court where pending, but remain in typewritten form as filed and docketed in the above-entitled Court and be held in abeyance pending a final judicial determination of this appeal and, in the event that the final decision of court on this appeal proves to be dispositive of the issues of fact and of law involved in said appeal proceeding No. 12252 that the final judicial decision herein shall also be the final judicial decision therein on said issues of law and of fact and that such decision thereon may be entered therein.

Dated: June 27th, 1949.

H. G. MORISON,  
Assistant Attorney General.

FRANK J. HENNESSY,  
U. S. Attorney.

ENOCH E. ELLISON,  
Special Assistant to the  
Attorney General.

PAUL J. GRUMBLY,  
Attorney,  
Department of Justice.

By /s/ R. B. McMILLAN,  
Assistant U. S. Attorney,  
Attorneys for Appellants.

/s/ WAYNE M. COLLINS,  
Attorney for Appellees.

So Ordered:

/s/ WILLIAM HEALY,  
Judge.

/s/ WM. E. ORR,  
U. S. Circuit Judge.

[Endorsed]: Filed July 6, 1949.

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[Title of Court of Appeals and Cause.]

CONCISE STATEMENTS OF THE POINTS ON  
WHICH APPELLANTS INTEND TO RELY

(Rule 19, Subdivision 6.)

The points on which appellants intend to rely on this appeal are the following:

1. The District Court lacked jurisdiction generally over the subject matter of appellants, or any of them.

2. The District Court lacked jurisdiction over persons of appellants.

3. The District Court erred in holding renunciations under Title 8 U.S.C., Section 201, void.

4. The District Court erred in finding renunciations were made under undue influence, duress, or coercion by the United States and/or other residents of Tule Lake, or elsewhere.

5. The District Court erred in holding detention of appellees lacking in constitutional authority.

6. The District Court erred in holding the Attorney General's alien enemy removal orders void.

7. The findings and judgment are not supported by the evidence, and clearly erroneous.

8. The injunction issued is too broad in that it applies to appellees, who have performed, or may perform other acts of expatriation.

9. The decision and judgment of the District Court are contrary to law.

Dated: June 9, 1949.

/s/ H. G. MORISON,  
Assistant Attorney General.

/s/ FRANK J. HENNESSY,  
U. S. Attorney.

/s/ ENOCH E. ELLISON,  
Special Assistant to the  
Attorney General.

/s/ PAUL J. GRUMBLY,  
Attorney,  
Department of Justice.  
Attorneys for Appellants.

All by /s/ R. B. McMILLAN,  
Asst. U. S. Attorney.

Affidavit of service by mail attached.

[Endorsed]: Filed June 9, 1949.

